

INTERNATIONAL COURT OF JUSTICE

**Yearbook
1993-1994**

No. 48



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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The *Yearbook* appears in the second half of each year. The present volume – forty-eighth of the series – covers the period from 1 August 1993 to 31 July 1994.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Eduardo VALENCIA-OSPINA,
Registrar of the Court.

TABLE OF CONTENTS

	<i>Page</i>
Introduction	
I. Basic texts	1
1. Charter of the United Nations	1
2. Statute of the International Court of Justice	1
(a) Text of the Statute	1
(b) States parties to the Statute	1
(c) Amendments to the Statute	2
3. Rules of Court	2
II. Chronological survey	3
(a) Contentious	3
(b) Advisory	6
Chapter I. Organization of the Court	
I. Members of the Court	9
1. Composition of the Court	9
2. Changes in the composition of the Court in 1993-1994	10
3. Former Presidents and Vice-Presidents and former Members of the Court	10
II. Judges <i>ad hoc</i>	13
III. Chambers	17
1. Chamber of Summary Procedure	17
2. Chambers provided for in Article 26, paragraph 1, of the Statute	17
3. Chambers formed under Article 26, paragraph 2, of the Statute	18
4. Provisions in the Rules relating to chambers	19
IV. Assessors	19
V. The Registrar	19
VI. Privileges and immunities	19
Chapter II. Biographies of judges	
I. Members of the Court on 31 July 1994	21
II. Members of the Court whose term of office expired on 5 February 1994	44
III. Judges <i>ad hoc</i>	49

	<i>Page</i>
Chapter III. Jurisdiction of the Court	
I. Jurisdiction in contentious cases	63
1. States entitled to appear before the Court	63
<i>a)</i> States Members of the United Nations	63
<i>b)</i> States, not members of the United Nations, parties to the Statute	67
<i>c)</i> States, not parties to the Statute, to which the Court may be open	69
2. Bases of the Court's jurisdiction	70
<i>a)</i> Special agreement	71
<i>b)</i> Cases provided for in treaties and conventions	71
<i>c)</i> Compulsory jurisdiction in legal disputes	72
<i>d)</i> The Court itself decides any question as to its jurisdiction	73
<i>e)</i> Interpretation of a judgment	73
<i>f)</i> Revision of a judgment	73
II. Advisory jurisdiction	74
Chapter IV. Texts governing the jurisdiction of the Court	
I. Instruments governing the relationship of organs of the United Nations and international organizations with the Court	76
1. United Nations	76
2. All specialized agencies	78
3. International Labour Organisation	78
4. Food and Agriculture Organization of the United Nations	78
5. United Nations Educational, Scientific and Cultural Organization	79
6. World Health Organization	79
7. International Bank for Reconstruction and Development, International Finance Corporation and International Development Association	79
8. International Monetary Fund	80
9. International Civil Aviation Organization	80
10. International Telecommunication Union	80
11. World Meteorological Organization	80
12. International Maritime Organization	80
13. World Intellectual Property Organization	81
14. International Fund for Agricultural Development	81
15. United Nations Industrial Development Organization	81
16. International Atomic Energy Agency	81
II. Declarations recognizing as compulsory the jurisdiction of the Court	82

	<i>Page</i>
III. Chronological list of other instruments governing the jurisdiction of the Court	122
Chapter V. Functioning and practice of the Court	
I. Seat	141
II. Administration	141
1. The Presidency and the Committees of the Court	141
2. The Registry	142
(a) The Registrar and the Deputy Registrar	142
(b) Departments of the Registry	143
(c) Staff Regulations for the Registry	146
(d) Privileges and immunities	146
3. Relations with the public	147
(a) Correspondence	147
(b) Access to the Court's library and archives	147
(c) Information	147
III. Practice in regard to procedure	149
1. General	149
(a) Official languages	149
(b) Official communications	149
(c) Minutes	149
(d) General List	150
2. Procedure in contentious cases	150
(a) Institution of proceedings and appointment of agents	150
(b) Written proceedings	150
(c) Oral proceedings	152
(d) Deliberations	153
(e) Judgment	153
(f) Expenses and costs	154
3. Occasional rules in contentious cases	155
(a) Provisional measures	155
(b) Joinder of proceedings	155
(c) Preliminary objections	155
(d) Intervention, presentation of information	156
(e) Default, settlement, discontinuance	157
(f) Execution, interpretation or revision of judgments	157
(g) Special reference to the Court	158
4. Procedure in advisory cases	158
(a) Request	158
(b) Written and oral proceedings	158
(c) Deliberations	159
(d) Advisory opinion	159

	<i>Page</i>
IV. Occasional functions entrusted to the President of the International Court of Justice	159
1. International instruments providing for appointment of arbitrators, etc.	159
2. Other requests for appointment of arbitrators	159
3. Other appointments	160
Chapter VI. Work of the Court in 1993-1994	162
I. Cases before the Court	162
A. Contentious cases before the full Court	162
1. <i>Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)</i>	162
2. <i>Certain Phosphate Lands in Nauru (Nauru v. Australia)</i>	164
3. <i>Territorial Dispute (Libyan Arab Jamahiriya v. Chad)</i>	165
4. <i>East Timor (Portugal v. Australia)</i>	176
5. <i>Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal)</i>	178
6. <i>Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)</i>	180
7. 8. <i>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) and Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)</i>	187
9. <i>Oil Platforms (Islamic Republic of Iran v. United States of America)</i>	190
10. <i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))</i>	191
11. <i>Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)</i>	204
12. <i>Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)</i>	205
B. Request for advisory opinion	208
<i>Legality of the Use by a State of Nuclear Weapons in Armed Conflict</i>	208
II. Application of the Statute and Rules of Court	209
1. Organization of the Court	209
(a) Installation of new judges	209
(b) The Presidency	209

	<i>Page</i>
(c) Non-participation of a judge in a case	209
(d) Judges <i>ad hoc</i>	209
(e) Chamber of the Court for Environmental Matters	210
2. Jurisdiction of the Court	210
(a) Decision of the Court on questions of jurisdiction and admissibility	210
(b) Preliminary objections	211
3. Contentious procedure	211
(a) Institution of proceedings	211
(b) Fixing of time-limits	211
(c) Filing of pleadings	212
(d) Presentation of new documents	212
(e) Accessibility of pleadings to the public	212
(f) Oral proceedings	213
(g) Questions put by judges	213
(h) Final submissions	213
(i) Provisional measures	214
(j) Discontinuance	214
(k) Separate opinions and declarations	214
(l) Reading of the decision of the Court	215
(i) Judgments	215
(ii) Order	215
4. Advisory proceedings	215
(a) Request for opinions	215
(b) File	216
(c) Special and direct communication	216
(d) Fixing of time-limits	216
III. Visits	216
1. Visit by the Secretary-General of the United Nations	216
2. Other visits	217
IV. Report and representation of the Court at the General Assembly	217
V. Applications from private persons	217
Appendix	218
I. Follow-up to the decisions of the Court	218
II. The role and functioning of the Court	219
Chapter VII. Publications of the Court	
I. General	224
1. Series published by the International Court of Justice	224
(a) <i>Reports of Judgments, Advisory Opinions and Orders</i>	224
(b) <i>Pleadings, Oral Arguments, Documents</i>	225

	<i>Page</i>
(c) <i>Acts and Documents concerning the Organization of the Court</i>	225
(d) <i>Yearbook</i>	225
(e) <i>Bibliography of the International Court of Justice</i>	226
2. Dissemination of the publications of the International Court of Justice	226
3. Publications of the Permanent Court of International Justice	226
II. Official citation of Judgments, Advisory Opinions and Orders	227
1. Permanent Court of International Justice	227
2. International Court of Justice	232
III. Abbreviated references to Pleadings, Oral Arguments, Documents	241
1. Permanent Court of International Justice	241
2. International Court of Justice	246
 Chapter VIII. Finances of the Court	
I. Financial regulations	253
1. General regulations	253
(a) Method of covering expenditure	253
(b) Drafting of the budget	254
(c) Financing of appropriations and accounts	254
2. Salaries and expenses of judges	254
(a) Emoluments	254
(b) Pensions	255
(c) Conditions of service	256
(d) Travelling expenses	257
3. Salaries, allowances and expenses of the Registrar and officials of the Registry	257
(a) Emoluments	257
(b) Pensions	258
(c) Travelling expenses	258
4. Common services	258
II. Budget for the biennium 1994-1995	258
1. Ordinary expenses	258
2. Unforeseen and extraordinary expenses	259
III. Accounts for the biennium 1992-1993	260
1. Budget accounts	260
2. Audit of accounts	260

INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. BASIC TEXTS

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. Other basic texts are the Rules of Court and the resolution concerning the internal judicial practice of the Court.

1. *Charter of the United Nations*

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. *Statute of the International Court of Justice*

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

"1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice

on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 63-69, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, pp. 68-69, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. *Rules of Court*

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were first published in *I.C.J. Acts and Documents No. 4* concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court. The current publication containing the 1978 Rules of Court is *I.C.J. Acts and Documents No. 5* (pp. 92-161).

II. CHRONOLOGICAL SURVEY

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court (*Corfu Channel (United Kingdom v. Albania)*) was submitted on 22 May 1947.

Between then and 31 July 1994 the Court has had to deal with a total of 93 cases, i.e., 72 contentious cases and 21 advisory cases, as listed below¹. In those cases it gave 58 judgments, of which 39 were on the merits, and 21 advisory opinions. Of the 278 orders made therein, 215 related solely to the fixing or extending of time-limits, while 247 orders related to contentious cases and 31 to advisory cases.

<i>Title</i>	<i>Dates</i>
(a) Contentious ²	
<i>Corfu Channel (United Kingdom v. Albania)</i>	1947-1949
<i>Fisheries (United Kingdom v. Norway)</i>	1949-1951
<i>Protection of French Nationals and Protected Persons in Egypt (France v. Egypt)</i>	1949-1950
<i>Asylum (Colombia/Peru)</i>	1949-1950
<i>Rights of Nationals of the United States of America in Morocco (France v. United States of America)</i>	1950-1952

¹ Factual information (dates, etc.) regarding the course of the proceedings in each case is given in *Background Notes II and II bis: Synopsis of cases referred to the International Court of Justice* (see p. 148, below).

² In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

<i>Title</i>	<i>Dates</i>
<i>Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (Colombia v. Peru)</i>	1950
<i>Haya de la Torre (Colombia v. Peru)</i>	1950-1951
<i>Ambatielos (Greece v. United Kingdom)</i>	1951-1953
<i>Anglo-Iranian Oil Co. (United Kingdom v. Iran)</i>	1951-1952
<i>Minquiers and Ecrehos (France/United Kingdom)</i>	1951-1953
<i>Nottebohm (Liechtenstein v. Guatemala)</i>	1951-1955
<i>Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom and United States of America)</i>	1953-1954
<i>Electricité de Beyrouth Company (France v. Lebanon)</i>	1953-1954
<i>Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Hungary)</i>	1954
<i>Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. USSR)</i>	1954
<i>Aerial Incident of 10 March 1953 (United States of America v. Czechoslovakia)</i>	1955-1956
<i>Antarctica (United Kingdom v. Argentina)</i>	1955-1956
<i>Antarctica (United Kingdom v. Chile)</i>	1955-1956
<i>Aerial Incident of 7 October 1952 (United States of America v. USSR)</i>	1955-1956
<i>Certain Norwegian Loans (France v. Norway)</i>	1955-1957
<i>Right of Passage over Indian Territory (Portugal v. India)</i>	1955-1960
<i>Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. Sweden)</i>	1957-1958
<i>Interhandel (Switzerland v. United States of America)</i>	1957-1959
<i>Aerial Incident of 27 July 1955 (Israel v. Bulgaria)</i>	1957-1959
<i>Aerial Incident of 27 July 1955 (United States of America v. Bulgaria)</i>	1957-1960
<i>Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria)</i>	1957-1959
<i>Sovereignty over Certain Frontier Land (Belgium/Netherlands)</i>	1957-1959
<i>Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)</i>	1958-1960
<i>Aerial Incident of 4 September 1954 (United States of America v. USSR)</i>	1958
<i>Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)</i>	1958-1961

<i>Title</i>	<i>Dates</i>
<i>Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. Lebanon)</i>	1959-1960
<i>Aerial Incident of 7 November 1954 (United States of America v. USSR)</i>	1959
<i>Temple of Preah Vihear (Cambodia v. Thailand)</i>	1959-1962
<i>South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)</i>	1960-1966
<i>Northern Cameroons (Cameroon v. United Kingdom)</i>	1961-1963
<i>Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain)</i>	1962-1970
<i>North Sea Continental Shelf (Federal Republic of Germany/Denmark, Federal Republic of Germany/Netherlands)</i>	1967-1969
<i>Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan)</i>	1971-1972
<i>Fisheries Jurisdiction (United Kingdom v. Iceland)</i>	1972-1974
<i>Fisheries Jurisdiction (Federal Republic of Germany v. Iceland)</i>	1972-1974
<i>Nuclear Tests (Australia v. France)</i>	1973-1974
<i>Nuclear Tests (New Zealand v. France)</i>	1973-1974
<i>Trial of Pakistani Prisoners of War (Pakistan v. India)</i>	1973
<i>Aegean Sea Continental Shelf (Greece v. Turkey)</i>	1976-1978
<i>Continental Shelf (Tunisia/Libyan Arab Jamahiriya)</i>	1978-1982
<i>United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)</i>	1979-1981
<i>Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) [case referred to a Chamber]</i>	1981-1984
<i>Continental Shelf (Libyan Arab Jamahiriya/Malta)</i>	1982-1985
<i>Frontier Dispute (Burkina Faso/Republic of Mali) [case referred to a Chamber]</i>	1983-1986
<i>Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)</i>	1984-1991
<i>Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya)</i>	1984-1985
<i>Border and Transborder Armed Actions (Nicaragua v. Costa Rica)</i>	1986-1987
<i>Border and Transborder Armed Actions (Nicaragua v. Honduras)</i>	1986-1992

<i>Title</i>	<i>Dates</i>
<i>Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)</i> [case referred to a Chamber] ¹	1986-1992
<i>Elektronika Sicula S.p.A. (ELSI) (United States of America v. Italy)</i> [case referred to a Chamber]	1987-1989
<i>Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)</i>	1988-1993
<i>Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)</i>	1989-
<i>Certain Phosphate Lands in Nauru (Nauru v. Australia)</i>	1989-1993
<i>Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)</i>	1989-1991
<i>Territorial Dispute (Libyan Arab Jamahiriya v. Chad)</i>	1990-1994
<i>East Timor (Portugal v. Australia)</i>	1991-
<i>Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal)</i>	1991-
<i>Passage through the Great Belt (Finland v. Denmark)</i>	1991-1992
<i>Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)</i>	1991-
<i>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)</i>	1992-
<i>Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)</i>	1992-
<i>Oil Platforms (Islamic Republic of Iran v. United States of America)</i>	1992-
<i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))</i>	1993-
<i>Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)</i>	1993-
<i>Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)</i>	1994-
(b) Advisory	
<i>Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter)</i>	1947-1948
<i>Reparation for Injuries Suffered in the Service of the United Nations</i>	1948-1949

¹ The intervention of Nicaragua was admitted on 13 September 1990 (see *I.C.J. Yearbook 1990-1991*, pp. 160-174).

<i>Title</i>	<i>Dates</i>
<i>Interpretation of Peace Treaties with Bulgaria, Hungary and Romania</i>	1949-1950
<i>Competence of the General Assembly for the Admission of a State to the United Nations</i>	1949-1950
<i>International Status of South West Africa</i>	1949-1950
<i>Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide</i>	1950-1951
<i>Effect of Awards of Compensation Made by the United Nations Administrative Tribunal</i>	1953-1954
<i>Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa</i>	1954-1955
<i>Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco</i>	1955-1956
<i>Admissibility of Hearings of Petitioners by the Committee on South West Africa</i>	1955-1956
<i>Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization</i>	1959-1960
<i>Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)</i>	1961-1962
<i>Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)</i>	1970-1971
<i>Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal</i>	1972-1973
<i>Western Sahara</i>	1974-1975
<i>Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt</i>	1980
<i>Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal</i>	1981-1982
<i>Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal</i>	1984-1987
<i>Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947</i>	1988
<i>Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations</i>	1989
<i>Legality of the Use by a State of Nuclear Weapons in Armed Conflict</i>	1993-

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. MEMBERS OF THE COURT

1. Composition of the Court¹

The Court consists of 15 Members (Statute, Art. 3, para. 1).

On 31 July 1994 the composition of the Court was as follows:

<i>Order of precedence</i>	<i>Country</i>	<i>Date of expiry of term of office</i>
<i>President</i> M. Bedjaoui	Algeria	5 February 1997 ²
<i>Vice-President</i> S. M. Schwebel	United States	5 February 1997 ²
<i>Judges</i> S. Oda	Japan	5 February 2003
R. Ago	Italy	5 February 1997
Sir Robert Jennings	United Kingdom	5 February 2000
N. K. Tarassov	Russian Federation	5 February 1997
G. Guillaume	France	5 February 2000
M. Shahabuddeen	Guyana	5 February 1997
A. Aguilar Mawdsley	Venezuela	5 February 2000
C. G. Weeramantry	Sri Lanka	5 February 2000
R. Ranjeva	Madagascar	5 February 2000
G. Herczegh	Hungary	5 February 2003
Shi Jiuyong	China	5 February 2003
C.-A. Fleischhauer	Germany	5 February 2003
A. G. Koroma	Sierra Leone	5 February 2003

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's

¹ For the composition of chambers, see pp. 17-19, below.

² The terms of office of Judges Bedjaoui and Schwebel as President and Vice-President respectively expire in 1997.

term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, p. 68, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. Changes in the Composition of the Court in 1993-1994

Until February 1994 the composition of the Court was as follows: Judge Sir Robert Jennings, *President*; Judge S. Oda, *Vice-President*; Judges R. Ago, S. M. Schwebel, M. Bedjaoui, Ni Zhengyu, J. Evensen, N. K. Tarassov, G. Guillaume, M. Shahabuddeen, A. Aguilar Mawdsley, C. G. Weeramantry, R. Ranjeva, B. A. Ajibola and G. Herczegh.

On 10 November 1993, elections were held to fill the seats of Judges S. Oda, Ni Zhengyu, J. Evensen, B. A. Ajibola and G. Herczegh, whose terms of office were due to expire on 5 February 1994.

Judges S. Oda and G. Herczegh were re-elected. Mr. Shi Jiuyong, Mr. C.-A. Fleischhauer and Mr. A. G. Koroma were elected to be Members of the Court as from 6 February 1994.

The following had also been candidates in the elections: Messrs. A. O. Adede, S. K. B. Asante, R. Chongwe, N. M. Hayder, J. L. Jesus, K. Skubiszewski, F. M. Szekandi, E. P. Syquia, V. A. Vassilenko and A. Yankov.

On 7 February 1994 the Court elected Judge M. Bedjaoui to be President and Judge S. M. Schwebel to be Vice-President.

3. Former Presidents and Vice-Presidents and Former Members of the Court

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;

1949-1952, J. Basdevant and J. G. Guerrero¹;
 1952-1955, Sir Arnold McNair and J. G. Guerrero¹;
 1955-1958, G. H. Hackworth and A. H. Badawi²;
 1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;
 1961-1964, B. Winarski and R. J. Alfaro;
 1964-1967, Sir Percy Spender and V. K. Wellington Koo;
 1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
 1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun;
 1973-1976, M. Lachs and F. Ammoun³;
 1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
 1979-1982, Sir Humphrey Waldock⁴ and T. O. Elias⁵;
 1982-1985, T. O. Elias⁶ and J. Sette-Camara;
 1985-1988, Nagendra Singh and G. Ladreit de Lacharrière⁷;
 1988-1991, J. M. Ruda and K. Mbaye;
 1981-1994, Sir Robert Jennings and S. Oda.

¹ While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel* (United Kingdom v. Albania); *Protection of French Nationals and Protected Persons in Egypt* (France v. Egypt); *Rights of Nationals of the United States of America in Morocco* (France v. United States of America); *Ambatielos* (Greece v. United Kingdom); *Anglo-Iranian Oil Co.* (United Kingdom v. Iran); *Minquiers and Ecrehos* (France v. United Kingdom); *Monetary Gold Removed from Rome in 1943* (Italy v. France, United Kingdom and United States of America).

² While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel* (Switzerland v. United States of America), *Interim Protection*, and *Aerial Incident of 27 July 1955* (United States of America v. Bulgaria).

³ While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal Relating to the Jurisdiction of the ICAO Council, Nuclear Tests* (Australia v. France), *Interim Protection*, and *Nuclear Tests* (New Zealand v. France), *Interim Protection*.

⁴ Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

⁵ Vice-President Elias was for a time Acting President in *Continental Shelf* (Libyan Arab Jamahiriya) and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area* (Canada/United States of America).

⁶ Judge Elias continued to act as President in *Continental Shelf* (Libyan Arab Jamahiriya/Malta) after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

⁷ Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	<i>Countries</i>	<i>Period of Office</i>
B. A. Ajibola	Nigeria	1991-1994
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976
* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
* C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Cordova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981
A. El-Khani	Syria	1981-1985
* T. O. Elias	Nigeria	1976-1991
J. Evensen	Norway	1985-1994
* I. Fabela	Mexico	1946-1952
* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
A. Gros	France	1964-1984
* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
* P. C. Jessup	United States	1961-1970
* E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970

* S. B. Krylov	USSR	1946-1952
* M. Lachs	Poland	1967-1993
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
K. Mbaye	Senegal	1982-1991
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
H. Mosler	Federal Republic of Germany	1976-1985
* Nagendra Singh	India	1973-1988
Ni Zhengyu	China	1985-1994
C. D. Oneyama	Nigeria	1967-1976
* L. Padilla Nervo	Mexico	1964-1973
R. S. Pathak	India	1989-1991
* S. Petren	Sweden	1967-1976
* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
* J. M. Ruda	Argentina	1973-1991
J. Sette-Camara	Brazil	1979-1988
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981
* V. K. Wellington Koo	China	1957-1967
* B. Winarski	Poland	1946-1967
* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961
		and 1964-1973
* M. Zorić	Yugoslavia	1946-1958

II. JUDGES AD HOC

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8,

Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. Albania). Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia v. Peru), *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. Peru)* and *Haya de la Torre (Colombia v. Peru)*. Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. United Kingdom). Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. Iran). Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. Guatemala). Mr. C. García Bauer¹ was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom and United States of America). Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (Portugal v. India). Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. Sweden). Mr. J. Olfershaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (Switzerland v. United States of America). Mr. P. Carry was chosen by Switzerland.

Aerial Incident of 27 July 1955 (Israel v. Bulgaria). Mr. Justice Goitein was chosen by Israel and Mr. J. Zourek (Czechoslovakia) by Bulgaria.

*Aerial Incident of 27 July 1955 (United States of America v. Bulgaria)*². Mr. J. Zourek (Czechoslovakia) was chosen by Bulgaria.

¹ The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos, before choosing Mr. García Bauer.

² Case removed from the list before the Court had occasion to sit.

Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua). Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguín (Colombia) by Nicaragua.

*Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*¹. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (Ethiopia v. South Africa; Liberia v. South Africa). Sir Louis Mbanefo (Nigeria)² was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (Cameroon v. United Kingdom). Mr. P. Beb a Don was chosen by Cameroon.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain). Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan). Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. France). Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. France). Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. India). Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan³.

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

Aegean Sea Continental Shelf (Greece v. Turkey). Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Arechaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

¹ Case removed from the list before the Court had occasion to sit.

² The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Cheson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunbo A. Ademola, before choosing Sir Louis Mbanefo.

³ This case was removed from the list before the Court had occasion to hear argument on the question of its jurisdiction.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Mr. C.-A. Colliard (France) was chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya). Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (case referred to a Chamber). Mr. N. Valticos (Greece) was chosen by El Salvador and Mr. M. Virally (France) was chosen by Honduras. Following the death of Mr. Virally, Mr. S. Torres Bernárdez (Spain) was chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway). Mr. P. H. Fischer was chosen by Denmark.

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America). Mr. M. Aghahosseini has been chosen by the Islamic Republic of Iran.

Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal). Mr. H. Thierry (France) was chosen by Guinea-Bissau. Following the expiry of Judge Mbaye's term of office on 5 February 1991 Senegal no longer had a judge of its nationality on the bench. It therefore chose Mr. K. Mbaye to sit as judge *ad hoc*.

Territorial Dispute (Libyan Arab Jamahiriya/Chad). Mr. J. Sette-Camara (Brazil) was chosen by the Libyan Arab Jamahiriya and Mr. G. M. Abi-Saab (Egypt) by Chad.

East Timor (Portugal v. Australia). Mr. A. de Arruda Ferrer-Correia, who resigned on 14 July 1994, was chosen by Portugal and Sir Ninian Stephen has been chosen by Australia.

Passage through the Great Belt (Finland v. Denmark). Mr. B. Broms was chosen by Finland and Mr. P. H. Fischer by Denmark.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain). Mr. J. M. Ruda (Argentina), who died on 7 July 1994, was chosen by Qatar and Mr. N. Valticos (Greece) has been chosen by Bahrain.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom). Mr. A. S. El-Kosheri (Egypt) has been chosen by the Libyan Arab Jamahiriya.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America). Mr. A. S. El-Kosheri (Egypt) has been chosen by the Libyan Arab Jamahiriya.

Oil Platforms (Islamic Republic of Iran v. United States of America). Mr. F. Rigaux (Belgium) has been chosen by the Islamic Republic of Iran.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)). Mr. E. Lauterpacht (United Kingdom) has been chosen by Bosnia and Herzegovina and Mr. M. Kreća by Yugoslavia (Serbia and Montenegro).

Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria). Mr. K. Mbaye has been chosen by Cameroon and Prince B. A. Ajibola by Nigeria.

III. CHAMBERS

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

On 8 February 1994 the Chamber of Summary Procedure was formed as follows: President Bedjaoui; Vice-President Schwebel; Judges Sir Robert Jennings, Tarasov and Shahabuddeen, members; Judges Aguilar Mawdsley and Herczegh, substitute members.

2. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more

judges, as the Court may determine, for dealing with particular categories of cases: for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

In the past the Court has considered the question of the possible formation of a chamber to deal with environmental matters. On those occasions it took the view that it was not yet necessary to set up a standing special chamber, emphasizing that it was able to respond rapidly to requests for the constitution of a so-called "*ad hoc*" chamber (pursuant to Article 26, paragraph 2, of the Statute) which could deal also with any environmental case.

In view of the developments in the field of environmental law and protection which have taken place in the last few years, and considering that it should be prepared to the fullest possible extent to deal with any environmental case falling within its jurisdiction, the Court, in July 1993, deemed it appropriate to establish a seven-member Chamber for Environmental Matters. The Chamber is at present composed as follows: Judge Bedjaoui, President of the Court; Judge Schwebel, Vice-President of the Court; and Judges Shahabuddeen, Weeramantry, Ranjeva, Herczegh and Fleischhauer.

The term of office of the members of the Chamber, who were elected by secret ballot, has been extended by the Court until 6 February 1995.

3. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

Chambers of this kind have been formed at the joint request of the parties to deal with four cases. They are listed below with an indication of the date on which the respective Chamber was constituted and the names of its members.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America): constituted on 20 January 1982; Judges Ago (President), Gros, Mosler, Schwebel; Judge *ad hoc* Cohen.

Frontier Dispute (Burkina Faso/Republic of Mali): constituted on 3 April 1985; Judges Bedjaoui (President), Lachs, Ruda; Judges *ad hoc* Luchaire, Abi-Saab.

Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy): constituted on 2 March 1987 with the following composition – Judges Nagendra Singh (President), Oda, Ago, Schwebel, Sir Robert Jennings. Following the death of Judge Nagendra Singh the Court, on 20 December 1988, elected President Ruda to succeed him as member and (ex officio) President of the Chamber.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua [as from 13 September 1990] intervening): constituted on 8 May 1987 with the following composition — Judges Oda, Sette-Camara, Sir Robert Jennings; Judges *ad hoc* Valticos, Virally. The Chamber elected Judge Sette-Camara to be its President. After the death of Judge Virally, Mr. Torres Bernárdez was chosen to sit as judge *ad hoc* in his place, and on 13 December 1989 the Court declared the Chamber to be composed as follows: Judges Sette-Camara (*President*), Oda, Sir Robert Jennings; Judges *ad hoc* Valticos, Torres Bernárdez. On 7 February 1991 Judges Sir Robert Jennings and Oda exchanged places in the order of precedence within the Chamber owing to their election to be, respectively, the Court's President and Vice-President.

4. Provisions in the Rules relating to Chambers

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. ASSESSORS

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. THE REGISTRAR

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Eduardo Valencia-Ospina (see Chap. V, p. 143, below).

VI. PRIVILEGES AND IMMUNITIES

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions

accredited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (1) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that "... if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations *laissez-passer* issued to the judges by the Court. Such *laissez-passer* have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 1993 to 31 July 1994 will be found below.

I. MEMBERS OF THE COURT ON 31 JULY 1994

President Mohammed BEDJAOUTI

(Member of the Court since 19 March 1982; re-elected as from 6 February 1988; President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*, 1983-1987; President of the Court since February 1994)

Born at Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law.

Diploma of the Institute of Political Studies (University of Grenoble).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953).

Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961). Expert adviser to the Algerian delegation in the independence negotiations at Evian and Lugrin.

Executive Secretary to the President of the National Constituent Assembly at Algiers (1962).

Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979).

Permanent delegate of Algeria to Unesco (1971-1979).

Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980).

Vice-President of the United Nations Council for Namibia (1979-1982).

Chairman of the Group of 77 (1981-1982).

Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea and Guinea-Bissau (1983-1985).

Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea-Bissau and Senegal (1985-1989).

Arbitrator or President in several international commercial arbitrations.
 Participated in various sessions of the United Nations General Assembly as member, deputy-head or head of the Algerian delegation.
 Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-1980).
 Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation.
 United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).
 Member of the International Law Commission (1965-1982).
 Member of the Institute of International Law.
 Member of the French Society for International Law.
 Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco.
 Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta.
 Member of the Independent Commission on International Humanitarian Issues (co-chaired by Prince Hassan bin Talal of Jordan and Prince Sadruddin Agha Khan).
 Member of several award panels for international prizes, including that of the Albert Schweitzer Prize (United States of America).
 Member of the Jury for the Félix Houphouët-Boigny Peace Prize (Unesco).
 Member of the Unesco *Ad Hoc* Forum for Reflection.
 Member of the Unesco International Consultative Committee on Bioethics.
 Member of the International Committee of Advisers of the Chinese International Law Institute, Beijing.
 Recipient of various prizes and honours.
 Holder of several decorations.
 Author of numerous works and articles.

Vice-President Stephen M. SCHWEBEL

(Member of the Court since 15 January 1981; re-elected as from 6 February 1988; member of the Chamber formed to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*, 1981-1984, and of the Chamber formed to deal with the case concerning *Electronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court since February 1994)

Born in New York City, on 10 March 1929.

Harvard University, B.A. *magna cum laude* with highest honours in government (1950); Cambridge University, studies in international law

(1951), LL.B., Yale Law School (1954), Doctor *honoris causa*, Bhopal University, India (1982).

Admitted to the Bar of the State of New York (1955); of the Supreme Court of the United States (1965); and of the District of Columbia (1976).

Attorney, White & Case, New York (1954-1959).

Assistant Professor of Law, Harvard University (1959-1961).

Professor of International Law and subsequently Edward B. Burling Professor of International Law and Organization, the School of Advanced International Studies, The Johns Hopkins University, Washington, D.C. (1967-1981). Visiting lecturer or professor at Cambridge University (1957, 1983); the Australian National University (1969); the Hague Academy of International Law (1972); the Graduate Institute of International Studies, Geneva (1980); and at other universities or institutes in the United States and elsewhere.

Assistant Legal Adviser, Department of State (1961-1966); Special Assistant to the Assistant Secretary of State for International Organization Affairs (1966-1967); Consultant to the Department of State (1967-1973); Counselor on International Law, Department of State (1973-1974); Deputy Legal Adviser, Department of State (1974-1981).

Legal Adviser to the United States delegation, and Alternate Representative in the Sixth Committee, during sessions of the United Nations General Assembly (1961-1965). United States representative and chairman of the United States delegation to various committees of the United Nations, including the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (1964); the Special Committee on the Question of Defining Aggression (1971); and the UNCTAD Working Group on a Charter of Economic Rights and Duties of States (1973-1974).

Member of the International Law Commission of the United Nations (1977-1981). Chairman of the Drafting Committee (1978); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1977-1981).

Participated as Associate Representative, Representative, Counsel or Deputy Agent of the United States in various cases before the International Court of Justice (between 1962 and 1980). Member of the Board of Arbitration in *British Petroleum Company v. Iran and the National Iranian Oil Company* (1982-1985) and arbitrator or president in other international commercial arbitrations (since 1988).

Executive Vice-President and Executive Director of the American Society of International Law (1967-1973). Honorary Vice-President (since 1983).

President of the Administrative Tribunal of the International Monetary Fund (since January 1994).

Member of the Board of Editors, *American Journal of International Law* (1967-1981). Chairman of the Editorial Advisory Committee, *International Legal Materials* (1967-1973).

Member of the Institute of International Law; the American Society of International Law; the American Branch of the International Law Association; the American Bar Association; and the Council on Foreign Relations. Honorary Member of the Indian Society of International Law. Member of the International Advisory Committee of the Cambridge University Research Centre in International Law; the Board of Electors of the Whewell Professorship of International Law of Cambridge University; and the Board of Overseers' Committee to Visit the Harvard Law School.

Author of *The Secretary-General of the United Nations: His Political Powers and Practice*, 1952; *The Effectiveness of International Decisions*, 1971 (as editor); "Aggression, Intervention and Self-Defence in Modern International Law", *Recueil des cours*, Hague Academy of International Law, 1972; reports to the International Law Commission on the law of the non-navigational uses of international watercourses; *International Arbitration: Three Salient Problems* (1987); *Justice in International Law* (1994); and some one hundred articles, notes and book reviews in legal and other publications. Research and drafting assistant to United Nations Secretary-General Trygve Lie in the writing of *In the Cause of Peace*, 1954.

Judge Shigeru ODA

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985 and from 6 February 1994; member of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador Honduras: Nicaragua intervening)*, 1986-1992, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court from 1991 to 1994; Acting President in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tôhoku (1962). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Associate Professor (1953-1959) and Professor (1959-1976) at the University of Tôhoku. Professor Emeritus (1985). Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science Council of the Ministry of Education

(1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea (1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Sea-bed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Councils of the Japanese Society of International Law and of the Japanese branch of the International Law Association. Associate (1969) and Member (1979) of the Institute of International Law. Honorary life Member of the American Society of International Law (1975). Honorary Member of the Indian Society of International Law. Member of the Curatorium of the Hague Academy of International Law (since 1987); Member of the Curatorium of the Institute of International Public Law and International Relations (Thessaloniki).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). General editor for *Publications on Ocean Development and International Law in Japanese Perspective* of Martinus Nijhoff Publications.

Lecturer on the "International Law of the Resources of the Sea" at the Hague Academy of International Law (*Recueil des cours*, 1969).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our Time* (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese – *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978, revised and updated edition, 1991; *The Law of the Sea, Vol. I*, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983, revised ed., 1992; *Commentary on the United*

Nations Convention on the Law of the Sea, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989, and various articles on international law in English and in Japanese.

Judge Roberto AGO

(Judge *ad hoc* in the case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)*; Member of the Court since 6 February 1979; re-elected as from 6 February 1988. President of the Chamber formed to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*, 1981-1984).

Born at Vigevano (Pavia) in 1907.

Doctor of Law and Doctor in Political Sciences (University of Naples). Doctor *honoris causa* of the Universities of Nancy, Nice, Paris II, Geneva and Toulouse.

Professor of International Law at the Universities of Catania (1934-1935) and of Genoa (1935-1938), at the State University of Milan (1938-1956) and finally at the University of Rome (1956-1982). Professor emeritus at the University of Rome (since 1983). Full Member of the Accademia Nazionale dei Lincei.

Member and subsequently Chairman of the United Nations International Law Commission. Head of the Italian delegation to International Labour Conferences (1946-1978). Representative of the Italian Government on the ILO Governing Body, Chairman of that Body (1954-1955 and 1967-1968), of its Government Group, and of its Committee on Freedom of Association. Member of the ILO Committee of Experts on Application of Conventions and Recommendations.

Delegate of Italian Government to numerous international conferences. Head of Italian delegation to United Nations Conferences on the Law of the Sea (1958, 1960), Diplomatic Relations (1961) and the Law of Treaties (1968, 1969). President of Conference on the Law of Treaties. Member of the Italian State delegation for the revision of the Lateran concordat and the negotiation of understandings with other confessions.

Counsel for the Italian and various other governments in cases before the Permanent Court of International Justice, the International Court of Justice and other international tribunals. Member of the Permanent Court of Arbitration. Member or President of various commissions of arbitration or conciliation. President of various arbitration tribunals, in particular the Franco-German tribunal on the Saar, the Arbitration Tribunal between France and the United States on the *Interpretation of the Air Transport Agreement* (1963) and the Arbitration Tribunal on the question of the "Grands Moulins de Dakar" (1972).

Chairman of the Curatorium of the Hague Academy of International Law. Frequent lectures at that Academy, at the Graduate Institute of International Studies, Geneva, and at foreign universities and institutes.

Member (since 1956) and President (since 1991) of the Institute of International Law. Member of various learned bodies.

Honorary President of the Italian Society for International Organization. Honorary President of the World Federation of United Nations Associations.

Director and co-director of various Italian law reviews.

Author of numerous works and articles, including the following: *Teoria del diritto internazionale privato, Parte generale*, Padua, 1934; "La responsabilità indiretta nel diritto internazionale", *Archivio di diritto pubblico*, 1936; "Regles générales des conflits de lois", *Recueil des cours*, Hague Academy of International Law, 1936; "La regola del previo esaurimento dei ricorsi interni in tema di responsabilità internazionale", *Archivio di diritto pubblico*, 1938; "Le délit international", *Recueil des cours*, Hague Academy of International Law, 1939; *Lezioni di diritto internazionale*, Milan, 1943; *Scienza giuridica e diritto internazionale*, Milan, 1950; "Considerazioni su alcuni sviluppi dell'organizzazione internazionale", *La Comunità internazionale*, 1952; "Diritto positivo e diritto internazionale", *Comunicazioni e Studi dell'Istituto di diritto internazionale e straniero dell'Università di Milano*, 1955, and in *Scritti in onore di Tomaso Perassi*, 1957; "Science juridique et droit international", *Recueil des cours*, Hague Academy of International Law, 1956; "La codification du droit international et les problèmes de sa réalisation", *Recueil d'études de droit international en hommage à Paul Guggenheim*, Geneva, 1969; "Droit des traités à la lumière de la Convention de Vienne", *Recueil des cours*, Hague Academy of International Law, 1971; "Caratteri generali della comunità internazionale e del suo diritto", Università degli Studi di Roma, *Lezioni dell'anno accademico 1974-1975*; "The Internationally Wrongful Act of the State, Source of International Responsibility", eight reports to the International Law Commission, 1969-1979; "Pluralism and the Origins of the International Community", *Italian Yearbook of International Law*, 1977; "Studi sulla responsabilità internazionale", *Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino*, Vol. I, 1979; Vols. II and III, 1986; "Les premières collectivités interétatiques méditerranéennes", *Mélanges offerts à Paul Reuter. Le droit international: unité et diversité*, Paris, 1981; "The First International Communities in the Mediterranean World", *British Year Book of International Law*, 1982; "Le droit international dans la conception de Grotius", *Recueil des cours*, The Hague, 1983; "Positivism (International Law)", *Encyclopaedia of Public International Law*, ed. R. Bernhardt. Inst. Un., Amsterdam, 1985. "I quaranta anni delle Nazioni Unite", *La Comunità internazionale*, 1986; "Nouvelles réflexions sur la codification du droit international", *Mélanges offerts à Shabtai Rosenne*, Leiden, 1989; "Les avis consultatifs 'obligatoires' de la Cour internationale de Justice. Problème d'hier et d'aujourd'hui", *Mélanges à la mémoire de Michel Virally*, 1990; "'Binding' Advisory Opinions of the International Court of Justice", *American Journal of International Law*, 1991; "Recontres avec Anzilotti", *Revue de l'Institut universitaire européen*, Florence, 1993.

Judge Sir Robert Yewdall JENNINGS

(Member of the Court since 6 February 1982; re-elected as from 6 February 1991; member of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, 1986-1992, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; President of the Court from 1991 to 1994)

Born on 19 October 1913.

Studied at Cambridge University, obtaining the degrees of M.A. and LL.B., and subsequently at Harvard University (Choate Fellow, 1936-1937). Honorary Doctor of Law, Universities of Hull (1987), Saarland (1988), Rome (1990) and Cambridge (1993).

Assistant Lecturer in Law, London School of Economics (1938-1939) and Honorary Fellow (1994). Lecturer (1946-1955) and subsequently Whewell Professor of International Law in the University of Cambridge (1955-1982). Reader in International Law to the Inns of Court Council of Legal Education (1959-1970).

Fellow (since 1939), Senior Tutor (1949-1955) and sometime President of Jesus College, Cambridge.

Called to the Bar of Lincoln's Inn (1943); Honorary Benchers of Lincoln's Inn (since 1970); Queen's Counsel (since 1969).

Counsel in the *Rio Encuentro*, *Beagle Channel*, Franco-British *Continental Shelf Delimitation* and *Dubai-Sharjah Frontier Delimitation* arbitrations; appeared as Counsel before the Court in the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case.

Sometime legal consultant to a number of Governments (Argentina, Bangladesh, Brunei, Canada, Sudan, Venezuela, Sharjah, etc.).

Judge *ad hoc*, European Court of Human Rights, in *X v. United Kingdom* (1982).

Member of the Permanent Court of Arbitration (since 1982).

Public International Law Editor of the *International and Comparative Law Quarterly* (1957-1959). Editor of the *British Year Book of International Law* (1959), first with Sir Humphrey Waldock, and then as senior editor from 1974 to 1982.

Associate (1957), Member (1967), Vice-President (1979), President (1981) and Honorary Member (1985) of the Institute of International Law. Honorary Life Member of the American Society of International Law and of the Indian Society of International Law.

Received the Manley Hudson Medal of the American Society of International Law.

Gave the general course on principles of international law at the Hague Academy of International Law (1967).

Author of various books, articles and monographs including *Oppenheim's International Law* (9th ed.), Vol. I, with Sir Arthur Watts.

Judge Nikolai Konstantinovitch TARASSOV

(Member of the Court since 9 December 1985; re-elected
as from 6 February 1988)

Born at Moscow on 2 October 1923.

Graduated from the Law Faculty of Moscow State University.
Postgraduate studies at the same University.

Consultant to the Legal Department of the Presidium of the Supreme
Soviet of the USSR (1949-1953).

Head of secretariat for the Secretary of the Presidium of the Supreme
Soviet of the USSR (1953-1956).

Counsellor, Embassy of the USSR in Iran (1956-1961).

Head of section, Deputy Head of Department, and Head of
Department in the Ministry of Foreign Affairs of the USSR (1961-1968).

Deputy Permanent Representative of the USSR to the United Nations,
New York (1968-1972).

Ambassador of the USSR to Mexico (1972-1976).

From 1976 to his election to the Court, Principal Counsellor,
Department of Foreign Policy Planning, Ministry of Foreign Affairs of
the USSR.

Representative of the USSR to numerous United Nations bodies
(Commission on Human Rights, 1968-1972; Committee for sanctions
against Southern Rhodesia).

Member of the USSR delegation to several sessions of the United
Nations General Assembly (twenty-third to twenty-sixth ordinary ses-
sions; fifth special session on South West Africa, 1967; fifth emergency
special session on Arab-Israeli Conflict, 1967).

In his personal capacity, member of the Committee for the Elimination
of Racial Discrimination and member of the International Civil Service
Advisory Board (1970-1972).

Head of USSR delegation to the Vienna talks on mutual force and
armaments reductions and related measures in Central Europe
(1976-1981) and at the seminar on economic, scientific and cultural
co-operation in the Mediterranean (1984).

Member of the Russian International Law Association.

Judge Gilbert GUILLAUME

(Member of the Court since 14 September 1987; re-elected
as from 6 February 1991)

Born at Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from
the Paris Institute of Political Studies; Diplôme d'études supérieures
d'économie politique et de science économique (Diploma of Advanced

Studies in Political Economy and Economic Science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maître des Requêtes (1963), and most recently Councillor of State (1981).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979); French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Designated arbitrator by the International Telecommunications Satellite Organization and by the International Civil Aviation Organization, the International Chamber of Commerce, the Kuala Lumpur Regional Centre for Commercial Arbitration, the Cairo Regional Centre for Arbitration – the two latter bodies established under the auspices of the Afro-Asian Legal Committee – and the International Centre for the Settlement of Investment Disputes (ICSID).

Professor at the Institute of Political Studies, University of Paris.

President of the French branch of the International Law Association (ILA). Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the International Institute of Law of the French-speaking Countries (IDEF). Member of the Académie de marine. Member of the Académie de l'air et de l'espace. Member of the International Academy of Comparative Law. Member of the Scientific Board of the *Revue générale de droit international public*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, 1989). Author of a work on *Les grandes crises internationales et le droit* (1994).

Judge Mohamed SHAHABUDEEN

(Member of the Court since 6 February 1988)

Born at Vreed-en-Hoop, Demerara, Guyana, on 7 October 1931.

Bar Finals, London Inns of Court (1952). Called to the Bar, Middle Temple, London (1954). Queen's Counsel (1966). London University degrees - LL.B., B.Sc. (Econ.), LL.M., Ph.D., LL.D. Also LL.D. *honoris causa* of the University of the West Indies.

Private practice (1954-1959) followed by public legal service. Magistrate (1959). Crown Counsel (1959-1962). Solicitor General (1962-1973). Attorney General (1973-1987). Minister of Justice (1978-1987). Other ministerial appointments, including Acting Foreign Minister from time to time (1980-1987).

Member of various Guyana delegations on bilateral missions to other countries (1962-1987). Also member of various Guyana delegations to other international meetings, including: United Nations General Assembly (1972); United Nations Conference on Succession of States in respect of Treaties, Vienna (1977); Commonwealth Heads of Government Meetings, Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985) and Vancouver (1987); the Cancun North South Summit (1981); the General Assembly of the Organization of American States, St. Lucia (1981); Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981); Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers (1981); the Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983); the Commonwealth Caribbean Heads of Government Meetings, Ocho Rios (1982), Port of Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987); the Commonwealth Law Ministers Meetings at Lagos (1975), Barbados (1980), Sri Lanka (1983) and Harare (1986); and the Commonwealth Law Conference, Hong Kong (1983).

Member of the Board of Governors of the University of Guyana (1963-1965). Member of the Council of Legal Education of the Commonwealth Caribbean (1973-1987). Member of the Commonwealth Association of Legislative Counsel (1983).

Associate Member of the Institute of International Law. Headquarters Member of the International Law Association. Member of the Société française pour le droit international. Member of the American Society of International Law. Member of the Advisory Board, *European Journal of International Law*. Member of the Board of Electors of the Whewell Professorship of International Law of Cambridge University.

Cacique's Crown of Honour (CCH) (1970); Order of Roraima (OR) (1980); Order of Excellence (OE) (1988).

Author of various books and articles.

Judge Andrés AGUILAR MAWDSLEY

(Member of the Court since 6 February 1991)

Born at Caracas, Venezuela, on 10 July 1924.

Doctorate in Political and Social Science *summa cum laude* from the Central University of Venezuela (Caracas). Master's degree in Civil Law from McGill University, Montreal, Canada.

Lecturer in Civil Law at the Central University of Venezuela (Caracas) (from 1948) and at the Andrés Bello Catholic University (from 1954). Professor of Law at both universities (since 1958). Dean of the Faculty of Law at the Central University of Venezuela (Caracas) until first appointment as Minister of Justice in May 1958. Vice-Rector of the Andrés Bello Catholic University (Caracas) (1962-1963). Member of the Council of the Faculty of Law at the Central University of Venezuela (Caracas) (1967-1969).

Minister of Justice (1958-1962). Elected Magistrate of the Court of Cassation by the Venezuelan Congress on 7 February 1959. Did not take up this appointment in view of prior appointment as Minister of Justice by the President of the Republic. Legal counsel to and judicial representative of Petróleos de Venezuela, S.A., the national oil company of Venezuela (1975-1983). Member of the Advisory Committee on Foreign Policy, by appointment of the President of the Republic (1979-1984; 1984-1989). Chairman of the committee set up to co-ordinate studies and activities relating to the optimum use of international water resources of interest to Venezuela (1983-1986).

Legal Counsel to the Venezuelan Chamber of Construction (1951-1958). Secretary of the Governing Council of the Bar Association of the Federal District (Caracas) (1955-1956). In February 1958, elected member of the Board of Directors of the Industrial Bank of Venezuela for the biennium 1958-1959; retained this office until first appointment as Minister of Justice. Vice-President of the Organization for the Protection of Children (1962-1963). Chairman of the National Board of

Directors of Caritas, Venezuela (1966-1969). Member of the governing council of the Institute for Advanced Administrative Studies (IESA) (since 1966). Delegate of the Andrés Bello Catholic University to the Second Latin American Conference on Political and Social Sciences and Vice-Chairman of this meeting, Santiago and Viña del Mar, Chile (1966). Member of the Venezuelan Justice and Peace Commission (1967). Member of the Technical Board of the Federation of Institutions for the Protection of Children (since 1968). President of the National Committee of the International Council on Social Welfare (1968). Head of the Venezuelan delegation to the Fourteenth Conference on Social Welfare, Helsinki (Finland) (1968), and Chairman of Working Group IV set up to study social policy and the right to education and culture.

Ambassador, Permanent Representative of Venezuela to the United Nations Office and the specialized agencies with headquarters at Geneva (1963-1965). President of the International Labour Conference (Geneva, 1964). President of the Inter-Governmental Committee for European Migration (ICEM) (Geneva, 1964 and 1965). Ambassador, Permanent Representative of Venezuela to the United Nations (1969-1972 and 1986-1991). Head of the Venezuelan delegation (in the absence of the Minister for Foreign Affairs) to the United Nations General Assembly (1969-1971, 1986-1990). Chairman of the First Committee (Political and Security Questions) of the United Nations General Assembly (1970). As representative of Venezuela, served as one of the Vice-Presidents of the United Nations General Assembly (1971). Member of the Permanent Court of Arbitration (since 1970). Representative of Venezuela to the United Nations Commission on Human Rights (1968-1972) and Chairman of the Commission (1971). Ambassador Extraordinary and Plenipotentiary of Venezuela to the United States of America (1972-1974). Member of the Inter-American Commission on Human Rights (IACHR) (1972-1985) and its President for several periods (1974-1976, 1976-1978, 1979, 1985). Head of the delegation of Venezuela to the Third United Nations Conference on the Law of the Sea and Chairman of the Second Committee of that Conference (1973-1982). Member of the International Commission of Jurists (since 1979) and President of the Commission (1986-1992). Co-chairman of the committee appointed by the United Nations Secretary-General on the question of United States diplomats taken hostage in Iran (1980). Member of the Human Rights Committee established under the International Covenant on Civil and Political Rights (1981-1988). Special Representative of the United Nations Commission on Human Rights to study the human rights situation in Iran (1984-1985). Principal representative of Venezuela to the United Nations Security Council (1986-1987); President of the Council (1987). Chairman of the Credentials Committee of the United Nations General Assembly (1986). President of the United Nations Economic and Social Council (1988). Member of the Board of Trustees of the United Nations Institute for Training and Research (UNITAR) (1987-1988 and 1989-1990), and Chairman of the Board (1989-1990).

Ambassador, Permanent Representative of Venezuela to the United Nations (1986-1991).

Member of the Governing Council (and Chairman) of the Venezuelan United Nations Association (1967-1968). Member of the American Society of International Law and Member of its Executive Board (1983-1986). President of the Board of Directors of the Eduardo Frei International Foundation for Democracy and Development (1984-1986). Fellow of the Academy of Political and Social Sciences of Venezuela (since 1978) and President of its governing board (1985-1986). Member of the Hispano-Luso-American Institute of International Law. Member of the Institute of International Law. Member of the Société française pour le droit international.

Order of the Liberator, Grand Sash. Order of Andrés Bello, First Class. Order of Francisco de Miranda, First Class. Cross of the Armed Forces for Co-operation, First Class. Knight Commander of the Order of Saint Gregory the Great (Holy See). Grand Cross of the Order of May (Argentine Republic). Order of José Maria Vargas (Central University of Venezuela), First Class.

Author of numerous books and articles.

Judge Christopher Gregory WEERAMANTRY

(Member of the Court since 6 February 1991)

Born in Colombo, Sri Lanka, on 17 November 1926.

B.A.; LL.B.; LL.D. (University of London); LL.D. (*honoris causa*) (University of Colombo).

Advocate, Supreme Court of Sri Lanka (1948-1965). Lecturer and Examiner, Council of Legal Education, Sri Lanka (1951-1956). Commissioner of Assize, Supreme Court of Sri Lanka (1965-1967). Justice of the Supreme Court of Sri Lanka (1967-1972). Member, Council of Legal Education, Sri Lanka (1967-1972). Honorary Visiting Professor, University of Colombo (since 1984). Honorary Life Member, Bar Association of Sri Lanka.

Sir Hayden Starke Professor of Law, Monash University, Melbourne, Australia (1972-1991). Emeritus Professor of Law, Monash University (since 1991). Chairman, Commission of Inquiry into International Responsibility for Phosphate Mining on Nauru (1987-1988).

Panellist, Unesco Seminar on Teaching of Human Rights, Canberra (1980). Member, United Nations University Task Force on Human Rights (1982). Vice-Chairman, United Nations Centre against *Apartheid*/Government of Nigeria Conference on Legal Status of *Apartheid* Regime, Lagos (1984). Panellist, SCOPE/ENUWAR UNU (Scientists' Committee on Problems of the Environment/Environmental Consequences of Nuclear War/United Nations University). International Conference on Nuclear Danger, Tokyo (1985). Lecturer, United Nations Human Rights

Commission Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Palais des Nations, Geneva (1988); Editor, United Nations University/United Nations Human Rights Commission's two-volume study on Science, Technology and Human Rights (1988-1990); Co-ordinator, United Nations University/Netherlands Institute of Human Rights Workshop on Science, Technology and Human Rights, Utrecht (1989).

Visiting Professorships and Academic Appointments: University of Tokyo (1978); University of Stellenbosch (1979); University of Papua New Guinea (1981); University of Florida (1984); Lafayette College, Pennsylvania (1985); University of Hong Kong (1989).

Member, Editorial Board: *Sri Lankan Journal of International Law*; *Human Rights Quarterly*, Johns Hopkins University; *Interdisciplinary Peace Research*, La Trobe University; *Journal of Ceylon Law*.

Associate Academician, International Academy of Comparative Law, Paris; Panel of Arbitrators, American Arbitration Association; former Vice-President, International Association of Lawyers against Nuclear Arms; Vice-President, International Commission of Jurists, Victoria; Past President, World Federation of Overseas Sri Lankan Organizations; Vice-Patron, United Nations Association of Sri Lanka; Member, Club of Rome (Australia); American Society of International Law; Commonwealth Lawyers Association; Society of Public Teachers of Law; World Association of Law Professors; Lawasia; World Association on the Philosophy of Law and Legal Philosophy.

Books: *The Law of Contracts, being a Comparative Study of the Roman-Dutch, English and Customary Laws of Contract in Ceylon* (2 vols.), 1965; *The Law in Crisis: Bridges of Understanding*, 1975; *Equality and Freedom: Some Third World Perspectives*, 1976; *Human Rights in Japan*, 1979; *Apartheid: The Closing Phases?*, 1980; *An Invitation to the Law*, 1980; *The Slumbering Sentinels: Law and Human Rights in the Wake of Technology*, 1983; *Law: The Threatened Peripheries*, 1984; *Nuclear Weapons and Scientific Responsibility*, 1987 (translated into Japanese); *Islamic Jurisprudence: Some International Perspectives*, 1988; *Human Rights and Scientific and Technological Development*, ed., 1990; *Nauru: Environmental Damage under International Trusteeship*, 1992; *Technology and Human Rights: Global Case Studies*, ed., 1993.

Reports: *Report of the Nauru Commission of Inquiry* (10 vols.), 1988 (joint author).

Articles in law journals in Asia, Africa, Australasia, Europe and North America.

Published lectures include: "Fundamental Perspectives on Equality and Freedom", World Congress on Equality and Freedom, St. Louis, Missouri (1976), an official event marking the American Bicentennial; "National and Transnational Systems as Denigrators of Human Rights", Unesco Seminar on Teaching of Human Rights, Canberra (1981); "The Right to Development", Lawasia Seminar on Establishment of a Regional Human Rights Framework for the Pacific, Suva (1985); "Cultural and

Ideological Pluralism in Contemporary Public International Law", World Congress of International Academy of Comparative Law, Sydney and Melbourne (1986); "Traffic in Armaments: A Blind Spot in Human Rights and International Law", Joint Soviet/US International Conference on Nuclear Weapons and International Law, New York (1987); "Emerging Dimensions of Sovereignty in International Law", International Seminar on the Coming Global Civilization, Moscow (1988); "The Teaching of Human Rights", United Nations Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Geneva (1988); "The Law, Nuclear Weapons and the Real World", First World Convention of Lawyers against Nuclear Arms, The Hague (1989); "International Arbitration under the UNCITRAL Rules", Regional Seminar on International Arbitration, Kuala Lumpur (1989); "Judicial Reasoning under the Common Law", Commonwealth Law Conference, Auckland (1990); "The Importance of Philosophical Perspectives to the Judicial Process", 6 *Connecticut Journal of International Law* (1991); "Does International Law Matter?", *Inaugural Tun Hussein Onn Memorial Lecture*, Kuala Lumpur (1991); "The Right to Know: Freedom of Information as a Human Right", Commonwealth Law Conference, Cyprus (1993); "Introducing Human Rights to the Younger Generation", Unesco, Netherlands (1993); "The Constancy of the Judicial Obligation", *Inaugural Fernando Memorial Lecture*, Colombo (1994).

Order of *Deshamanya* (Sri Lanka); Mohamed Sahabdeen Award for International Understanding in the SAARC Region, 1993.

Judge Raymond RANJEVA

(Member of the Court since 6 February 1991)

Born at Antananarivo, Madagascar, on 31 August 1942.

Bachelor's degree in law (1965), University of Madagascar, Antananarivo, *Diplôme* from the Madagascar National School of Administration (1966). Trainee in the Judicial Division of the Conseil d'Etat, Paris (1965-1966). *Diplôme d'études supérieures de sciences politiques*, University of Paris, Faculty of Law and Economic Science (1966). *Diplôme d'études supérieures de droit public*, University of Madagascar (1967). Doctorate of Law, University of Paris II (thesis: "La succession d'organisations internationales en Afrique"). *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972).

Laureate of the University of Madagascar. Laureate of the National Association of Doctors of Law. Laureate of the Madagascar National School of Administration.

Civil Administrator (1966). Assistant (1966-1972), Lecturer (1972) and Professor (1981-1991) at the University of Madagascar. Professor at the Madagascar Military Academy and at the Madagascar National School

of Administration, Director of the Public Law and Political Science Study Centre, Director of the Legal and Political Science Department of the University of Madagascar, Dean of the Faculty of Law, Economics, Management and Social Sciences (1982-1986); reappointed in 1986. First Rector of the University of Antananarivo (1988-1990). Associate or visiting lecturer at several universities abroad: University of Aix-Marseille III, Bordeaux I, Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas) and the Institute of Advanced International Studies, La Réunion and Burundi. Director of the French-speaking research seminar at the Hague Academy of International Law (1987). Member (Ouagadougou, 1988) and President (Cotonou, 1992) of the Board of *Agrégation* Examiners of the African and Malagasy Council on Higher Education.

Conciliator at the World Bank International Centre for Settlement of Investment Disputes since 1970. Member of Malagasy delegations to several international conferences: Third United Nations Conference on the Law of the Sea, Preparatory Commission for the International Seabed Authority and the Law of the Sea Tribunal; United Nations General Assembly (1979-1990); Non-Aligned Countries (1979); Conference of States which use French (1987); Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties, Vienna (1976-1977); Member of the Malagasy delegation responsible for negotiating the revision of the co-operation agreements with France (1973); First Vice-Chairman of the First African Seminar on International Humanitarian Law, Yaoundé (1977). Vice-President for Africa of the International Conference of French-Speaking Faculties of Law and Political Science (1987-1991).

Counsel to the Republic of Mali in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*. Consultant for Madagascar on the amicable settlement of the transfer to the State of the activities of Eau-Electricité de Madagascar and Electricité de France (1973).

Member and Vice-President of the Malagasy Academy (1974); President of the ethics and political science section (1975-1991). Managing Director of JURECO; legal, economic and financial databank – research and advisory bodies (1986-1990). Editor of the periodical *Lettre mensuelle de Jureco* (1986-1988). Member of the French Society of International Law, Member of the Quebec Society of International Law, Member of the Governing Body of the African Society of International and Comparative Law.

Member of the National Constitutional Committee (1975). Founding Member of the Malagasy Human Rights Committee (1971). Legal adviser to the Catholic Bishops Conference, Madagascar. Secretary-General of the Malagasy Legal Studies Society.

Commandeur of the National Order of Madagascar. Chevalier of the Madagascar Order of Merit. Officer of the National Order of Mali. Six Honours.

Author of numerous books, essays and articles and has given lectures at a number of seminars.

Judge Géza HERCZEGH

(Member of the Court since 10 May 1993; re-elected as from 6 February 1994)

Born in Nagykapos, on 17 October 1928.

Educated at French Grammar School in Gödöllő, Hungary.

Bachelor's degree in law, University of Szeged (1951); Candidate in Jurisprudence (Ph.D.) (1965); Doctor *honoris causa* at the Law Faculty of the University of Marburg, Germany (1990); Corresponding Member (1985), and Member of the Hungarian Academy of Sciences (1990); Vice-President of the Department of Legal and Economic Sciences of the Hungarian Academy of Sciences (1990-1993).

Research Fellow in public international law at the Institute of Political Sciences, Budapest (1951-1967); studies as Senior Fellow at various institutes, e.g. in Paris (1966), Salzburg (1970); Professor of Law, Head of the International Law Department of the Law Faculty of the University of Pécs (1967-1990); Dean of the Law Faculty of the University of Pécs (1981-1987); lectured in international humanitarian law at several universities (e.g., Bayreuth, Bratislava, Cambridge, Cracow, Exeter, Graz, Marburg, Moscow, Osijek, Novi Sad, Vienna) (1970-1985); lecturer in seminars for the implementation and dissemination of international humanitarian law, Warsaw (1985), Vegimont (1989).

Judge and Vice-President of the Constitutional Court of the Republic of Hungary (1990-1993).

Represented the Hungarian Red Cross Society as expert on international humanitarian law at the conferences of The Hague (1971), Vienna (1972), Tehran (1973), Monaco (1984); governmental expert on international humanitarian law at the conferences of Geneva (1971 and 1972); member of the Hungarian delegation at the Diplomatic Conference of Geneva on the protection of victims of armed conflicts (1974-1977); served as Vice-President of the Third Commission of the same Conference; member of the Hungarian delegation at the Unesco Conference in Sophia (1977); Rapporteur at the Third Conference on Parliamentary Democracy organized by the Council of Europe on the topic "Problems of Transition from an Authoritarian or Totalitarian Regime to a Genuinely Democratic System", Strasbourg (1991); member of the expert working group ("Badinter Group") preparing the draft convention on peaceful settlement of disputes within the framework of the Conference on Security and Co-operation in Europe, Paris (1992).

Author of the following works: *The Colonial Question and International Law* (in Hungarian), Budapest, 1962; *General Principles of Law and the International Legal Order*, Budapest, Series in Foreign Languages, 1969; *Development of International Humanitarian Law*, Budapest, 1984; *Foreign Policy of Hungary, 896-1919* (in Hungarian), Budapest, 1987; and of numerous articles in international law and relations, especially in international humanitarian law.

Judge SHI Jiuyong

(Member of the Court since 6 February 1994)

Born in Zhejiang, China, on 9 October 1926.

B.A. in Government and Public Law, St. John's University, Shanghai (1948); M.A. in International Law, Columbia University, New York, United States of America (1951); research in international law at Columbia University, New York (1951-1954).

Assistant Research Fellow in International Law, Institute of International Relations, Beijing, China (1956-1958). Senior Lecturer, Associate Professor of International Law, Foreign Affairs College, Beijing (1958-1964). Research Fellow in International Law, Institute of International Law, Beijing (1964-1973). Research Fellow in International Law, Institute of International Studies, Beijing (1973-1980). Professor of International Law, Foreign Affairs College, Beijing (since 1984). Professor of Law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China, Beijing.

Council member, Chinese Society of International Law, Beijing. Council member, Institute of Hong Kong Law of the Chinese Law Society, Beijing.

Legal Adviser, Office of the Chinese Senior Representative, Sino-British Joint Liaison Group (on the question of Hong Kong) (1985-1993). Legal Adviser, Chinese Centre of Legal Consultancy, Beijing. Member, Standing Committee, Beijing Committee (1988-1993), and member, Eighth National Committee (1993), Chinese People's Political Consultative Conference. Legal Adviser, Ministry of Foreign Affairs, People's Republic of China (1980-1993).

Legal Adviser, Chinese delegation to the 1980 Annual Meeting of the Boards of Governors of the International Monetary Fund and the International Bank for Reconstruction and Development. Legal Adviser, delegation of the Ministry of Finance of the People's Republic of China for the formal visit to the International Bank for Reconstruction and Development (1980). Adviser, Chinese delegation to the thirty-fifth session of the General Assembly of the United Nations and China's Alternate Representative to the Sixth Committee at that session. Adviser, Chinese delegation to the thirty-sixth, thirty-seventh and thirty-eighth sessions of the United Nations General Assembly and China's delegate to the Sixth Committee at the same sessions (1971-1983). Delegate, Chinese delegation to the sessions of the Asian-African Legal Consultative Committee in 1981, 1985 and 1993. Legal Adviser, Chinese delegation to the talks between the Government of China and the Asian Development Bank on the question of China's membership in the Bank (1986). Legal Adviser of the Chinese side, Working Group of the Sino-British Negotiations on the question of Hong Kong (1984). Legal Adviser of the Chinese side, Sino-British Joint Liaison Group (on Hong Kong), plenary sessions (1985-1993). Delegate, Chinese delegation, legal

consultations between the Ministry of Foreign Affairs of the People's Republic of China and the Department of State of the United States of America (1983 and 1984). Delegate, Chinese delegation, negotiations between the Government of the People's Republic of China and the Government of the United States of America on Mutual Promotion and Protection of Investment Agreement (1983 and 1984). Representative of the International Law Commission to the forty-fifth session of the United Nations General Assembly (1990). Expert from China, Senior Legal Experts Meetings on Review of Montevideo Programme, United Nations Environment Programme, 5-6 July 1991 at Geneva and 5-7 September 1991 at Nairobi. Representative of the International Law Commission to the thirtieth meeting of the Asian-African Legal Consultative Conference, Cairo, 22-27 April 1991. Legal Adviser to the Chinese delegation, Disarmament Conference, November 1991 to August 1992.

Member (1987-1993), Rapporteur (1988) and Chairman (1990) of the International Law Commission.

Member, Foreign Economic and Trade Arbitration Commission, China Council for the Promotion of International Trade (1984-1988). Member of the Steering Committee on revision of the Hague Convention of 1907 on Pacific Settlement of International Disputes of the Permanent Court of Arbitration (since 1994).

Taught general course of international law, Foreign Affairs College, Beijing (1958-1963). Taught general course of international economic law, Department of Law, Peking University (1980-1985). Taught general course of international economic law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China (1988). Lectures on international financial institutions, National Bureau of Oceanography, the People's Republic of China (1986). Lectures on principles of international law relating to the new international economic order, Department of Law, Peking University (1988). Lectures on protection of private foreign investment (in English), the Hague Academy of International Law, Regional Programme, Beijing (1987). Lecture on the Sino-British Joint Declaration on the question of Hong Kong (in English), Graduate Institute of International Studies, Geneva (1988). Lecture on autonomy in international law and the case of the future Hong Kong Special Administrative Region (in English), International Law Seminar, United Nations Office at Geneva (1988). Lecture on "Nationality of Hong Kong Residents: Present and Future", Graduate Studies, Foreign Affairs College (1988). Lecture on certain issues relating to the legal status of the future Hong Kong Special Administrative Region, Graduate Studies, Department of Law, Peking University (1989). Lectures on international trade regulation, Foreign Service Training Programme of the Ministry of Foreign Affairs of the People's Republic of China (1985 and 1986). Lectures on problems of international economic law, Department of Law, Chinese People's University, Beijing (1987). Chairman, panel discussions on the new international economic order, Beijing Conference on the Law of the World, World Peace through

Law (1990). Participant, Symposium on the International Law of Arms Control and Disarmament, held at Geneva (February 1991). Lectures on the International Law Commission, Graduate Studies, Department of Law, Peking University (March 1991). Lectures on selected topics of international economic law, Graduate Studies, Foreign Affairs College (September/October 1991). Participant in the Seminar on the Draft Code of Crimes and International Criminal Jurisdiction, sponsored by the Foundation for the Establishment of an International Criminal Court and International Criminal Law Commission, Talloires, France (May 1991). Lectures on bilateral investment protection agreements (in English), International Law Seminar, United Nations Office at Geneva (June 1992). Participant, Symposium on Teaching, Dissemination and Research of International Law in Developing Countries, Beijing, 1992.

Author of numerous publications on international law.

Judge Carl-August FLEISCHHAUER

(Member of the Court since 6 February 1994)

Born in Düsseldorf, Germany, on 9 December 1930.

Studied at the Universities of Heidelberg, Grenoble and Paris. First State Examination (Law), Heidelberg (1954). Fulbright Scholar, University of Chicago Law School (1954-1955). Junior Barrister Düsseldorf Heidelberg (1955-1959). Dr. jur., Heidelberg. Second State Examination (Law), Stuttgart (1960). Hague Academy of International Law (1960).

Research Fellow at the Max Planck Institute for International and Foreign Public Law, Heidelberg (1960-1962).

Entered the diplomatic service of the Federal Republic of Germany in 1962. Foreign assignments to Tehran (1962-1963) and Montevideo (1969-1971). Official (1964-1969), Deputy Head (1971) and Head (1972), International Law Section, Legal Department, Federal Foreign Office. Legal Adviser to the Federal Foreign Office and Director-General of the Legal Department (1976-1983).

Member of the Committee of Experts on Human Rights, Council of Europe, Strasbourg (1964-1967). Member of the delegation of the Federal Republic of Germany to the United Nations Conference on the Law of Treaties, Vienna (1968-1969). Observed Sixth Committee during parts of the twenty-third and twenty-fourth sessions of the General Assembly for the then Observer Mission of the Federal Republic of Germany (1968 and 1969). Member of the delegation of the Federal Republic of Germany to the United Nations General Assembly (twenty-eighth to thirty-third sessions as Adviser and Special Adviser, thirty-fourth to thirty-seventh sessions as Alternate Representative) (1973-1982). Alternate Representative and Representative of the Federal Republic of Germany in the Sixth Committee. Representative of the Federal Republic of Germany

(1978-1979), on the *Ad Hoc* Committee of the Sixth Committee on the elaboration of the International Convention against the Taking of Hostages. Member of the delegation of the Federal Republic of Germany to the CSCE (Geneva Phase, Helsinki Final Phase) (1974-1975). Member (Vice-Chairman) of the delegation of the Federal Republic of Germany to the Diplomatic Conference on Humanitarian Law applicable in Armed Conflicts, Geneva (1974-1977). Head of the delegation of the Federal Republic of Germany to the United Nations Conference on State Succession in relation to Treaties, Vienna (1977-1978). Member (from 1977 Vice-Chairman) of the delegation of the Federal Republic of Germany to the Third United Nations Conference on the Law of the Sea (1974-1982). Has participated in numerous bilateral meetings and negotiations.

Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations (1983-1994).

Was actively engaged, on the side of the Federal Republic of Germany, in the following cases before the Court: *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (1967-1969); and *Fisheries Jurisdiction (Federal Republic of Germany v. Iceland)* (1972-1974). Was actively engaged, on the side of the United Nations, in the advisory cases on the: *Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal* (1984-1987); *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* (1988); and *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (1989).

Honorary member of the Indian Society of International Law (since 1985). Member of the German Society of International Law and, since 1977, of the Council of the Society. Member of the American Society of International Law. Member of the Curatorium of the Max Planck Institute for International and Foreign Public Law, Heidelberg (since 1975). Member of the Heidelberg Society for International and Foreign Public Law. Member of the Association française pour le droit international.

Awarded the German Cross of Merit, First Class, and several foreign decorations (all before 1983).

Author of numerous publications on international law.

Judge Abdul G. KOROMA

(Member of the Court since 6 February 1994)

Born in Freetown, Sierra Leone, on 29 September 1943.

LL.M. (Honours), University of Kiev. Master of Philosophy (International Law), King's College, University of London. Barrister-at-Law, and Honorary Benchet, Honourable Society of Lincoln's Inn, London.

Joined the Government service of Sierra Leone in 1964 and the Ministry of Foreign Affairs in 1969. As a Barrister and Legal Practitioner of the High Court of Sierra Leone, was appointed State Counsel and Special Adviser to the Attorney-General and Minister of Justice. Served as Legal Adviser to the Permanent Mission of Sierra Leone to the United Nations. Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the United Nations, New York, while concurrently accredited as High Commissioner of Sierra Leone to Jamaica and Trinidad and Tobago, and Ambassador to the Republic of Korea (Seoul) and Cuba (1981-1985). Served as Ambassador Extraordinary and Plenipotentiary to Belgium, France, Luxembourg and the Netherlands while concurrently accredited to the European Communities and to the United Nations Educational, Scientific and Cultural Organization (Unesco) (1985-1988). Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the Organization of African Unity (OAU) with concurrent accreditation to Ethiopia, Kenya, the United Republic of Tanzania and Zambia (1988-1992).

Played an active role in and contributed to the elaboration of many contemporary international legal instruments. As delegate to the General Assembly, served on the Sixth Committee (Legal) for the past 16 years and was elected Chairman. Also served as delegate of Sierra Leone to the following United Nations bodies: the Special Committee on the Review of the Charter and on the Strengthening of the Role of the Organization; the United Nations Commission on International Trade Law (UNCITRAL); the United Nations Committee on the Peaceful Uses of Outer Space; the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Represented Sierra Leone at many plenipotentiary conferences, including the United Nations Conference on the Succession of States in respect of Property, Debts and Archives, and was a signatory of the Convention; the Third United Nations Conference on the Law of the Sea (UNCLOS III) and Chairman of the African Group at the Conference. In that capacity, was closely associated with the elaboration of some of the key provisions of the resulting Convention. Was a signatory of the Convention.

Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Sierra Leone to the United Nations, New York.

Member of the International Law Commission (since January 1982), and Chairman of the Commission during its forty-third session (1991). Former Chairman of the Committee mandated to elaborate a Draft Statute for an International Criminal Court. As a member of the International Law Commission, was an active participant and contributor to the codification and progressive development of such important international legal instruments as the Draft Code of Crimes against Peace and Security of Mankind; Treaties between States and International Organizations and between International Organizations; the

Jurisdictional Immunities of States and their Property; the Law of State Responsibility; the proposed Statute of an International Criminal Court; and the Law of the Non-Navigational Uses of International Watercourses; the draft articles on most-favoured-nation clauses; the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and of the optional protocols thereto.

Contributions to other major areas of international law, including the law of self-determination, human rights law, international humanitarian law, and the peaceful settlement of disputes; has written and lectured on these subjects. Serves as an expert on the International Committee of the Red Cross (ICRC) at Geneva on the implementation of and respect for international humanitarian law. Has delivered lectures on all of these topics in many countries, including Cameroon, Canada, China, Ethiopia, Germany, India, Japan, Malta, Norway, Sweden, the United Republic of Tanzania and the United States of America.

Participated in conferences, symposiums and seminars on international law, including those held by the International Ocean Institute (Malta and Halifax, Nova Scotia); the International Law Institute (Hawaii); the International Criminal Jurisdiction (Tallioires); the International Institute of Higher Studies in Criminal Sciences; Centre for International Studies, New York University School of Law; the Asian-African Legal Consultative Committee. Also served as external examiner in international law for Ph.D. candidates at the University of Dalhousie, Halifax, Nova Scotia, Canada.

Member of the American Society of International Law and of the Planning Council of the International Ocean Institute (Halifax and Malta); Member and Vice-President of the African Association of International Law, and an expert consultant on the implementation of international humanitarian law with the International Committee of the Red Cross.

The Order of Commander of Rokel was awarded by the Government of Sierra Leone for outstanding professional service (1991).

Author of a thesis on the *Settlement of Territorial and Boundary Disputes in Africa* (University of London). Has also published articles on the law of the sea, the exclusive economic zone, Antarctica, mercenaries, human rights, international humanitarian law, and the law of humanitarian intervention.

II. MEMBERS OF THE COURT WHOSE TERM OF OFFICE EXPIRED ON 5 FEBRUARY 1994

Judge Ni Zhengyu

(Member of the Court from 6 February 1985 to 5 February 1994)

Born in Jiangsu, China, 28 July 1906.

Bachelor of Arts (Chitz University, Shanghai); Bachelor of Laws (Soochow University Law School, Shanghai); Juris Doctor (Stanford

University); Honorary Scholar (Johns Hopkins University); Doctor of Laws *honoris causa* (Osmania University, India).

Lecturer on Public International Law, Private International Law, Comparative Law, Civil Law, Civil Procedure, Judicial Organization, etc., at Soochow University Law School (Shanghai), the Great China University (Shanghai), the China Public Institute (Woosung), Chitz University (Shanghai), Chaoyang Law College (Chongqing), Soochow-Shanghai Union College of Law and Commerce (Chongqing) (1930-1945).

Professor of Law and concurrently Dean of the Law Faculty and Dean of Studies, Soochow University Law School (1948-1954).

Member, Shanghai Bar Association since 1931.

Member, International Prosecution Section, International Military Tribunal for the Far East (1946-1948).

Legal Counsel, Ambassador, Ministry of Foreign Affairs of the People's Republic of China (1956-1984). Legal Counsel of Chinese Delegation to the twenty-seventh session of the United Nations General Assembly (1972). Legal Counsel of Chinese Delegation to the United Nations Sea-bed Committee (1972-1973). Legal Counsel of Chinese Delegation to the Third Conference on the Law of the Sea (in Caracas, 1974; Geneva, 1975; New York, 1977; New York and Geneva, 1981 and 1982). Chinese Language Co-ordinator in the Drafting Committee of the Third Conference on the Law of the Sea (New York and Geneva, 1981 and 1982).

Member, Board of Directors, Chinese Society of International Law (since 1980).

Member, United Nations International Law Commission (1982-1984).

Member of the Institute of International Law (since 1991).

Member, National Committee of the Chinese People's Consultative Council (1959-1984).

Honorary President of the Board of Directors, Chinese Society of Oceanography (since 1985).

Author of many works and articles on international law and related subjects.

Judge Jens EVENSEN

(Judge *ad hoc* in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; Member of the Court from 6 February 1985 to 5 February 1994)

Born at Oslo, Norway, on 5 November 1917.

Law degree, University of Oslo (1942). Studies abroad. Postgraduate studies at Minnesota Law School and Columbia Law School (1947); Harvard Law School (1952-1953). Doctor of Laws, Harvard University; Honorary Doctorate at the Heriot-Watt University, Edinburgh, Scotland.

Part-time Associate at the Woodrow Wilson International Center for Scholars, Washington, D.C. (1975-1976).

Police Inspector and Public Prosecutor in *High Treason* cases, Oslo (1945-1946). Advocate, Supreme Court (1951). Law practice including period as Deputy Solicitor-General (1949-1961). Lecturer at the Law Faculty of the University of Oslo (1945-1973). Censor at the Law Faculty of the University of Oslo (1945-1973). Legal Adviser to the Norwegian Broadcasting Corporation. Delegate to the European Broadcasting Union (EBU).

Director-General of the Legal Department, Ministry of Foreign Affairs (1961-1973); Ambassador for negotiating the trade agreement with the European Communities (1972). Ambassador, International Law Adviser to the Ministry of Foreign Affairs (1979-1985).

Chairman of the Norwegian Commission on Maritime Limits (1961-1984); Chairman of the Norwegian Petroleum Council (1965-1979) and various other Norwegian governmental committees.

Legal Counsel for Norway before the International Court of Justice in the *Fisheries (United Kingdom v. Norway)* case (1949-1951) and *Certain Norwegian Loans (France v. Norway)* case (1955-1957); Counsel of Norway in the advisory case concerning *Certain Expenses of the United Nations* (1961-1962); Agent and Counsel of Norway before the European Commission of Human Rights and the European Court of Human Rights (1962-1963, 1967-1969) and Counsel for Norway before various international tribunals including the United States Court of Claims acting as an International Arbitral Tribunal.

Minister of Commerce and Shipping (1973-1974). Minister for the Law of the Sea (1974-1978).

Head of the Norwegian delegation to the Third United Nations Conference on the Law of the Sea (1973-1982), one of the Vice-Presidents of the Conference. Chairman of the Norwegian delegation to the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (1983-1985). Representative of Norway to the Sixth Committee of the General Assembly of the United Nations. Head of the Norwegian delegation to the United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction; Vice-Chairman of the Committee (1968-1973).

Member of the United Nations International Law Commission (1979-1985). Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1982-1985).

Associate Member of the Institut de droit international (since 1971). Member of the Permanent Court of Arbitration (since 1978). Member of the Norwegian-Icelandic Conciliation Commission established according to the Agreement of 28 May 1981 for the Delimitation of the Continental Shelf between Iceland and Jan Mayen.

Lectures on "Aspects of International Law relating to Modern Radio Communications", *Collected Courses*, Academy of International Law, The

Hague (1965). Lectures during the extramural session of the Academy of International Law (Brasilia, 1983) on "The United Nations Convention on the Law of the Sea of 10 December 1982". Lectures on "International Law and Nuclear Weapons" at the twelfth conference of the World Peace through Law Center (Berlin, 1985). Lectures on "Working Methods and Procedures in the Third United Nations Conference on the Law of the Sea", *Collected Courses, Academy of International Law, The Hague* (1986).

Lectures at universities and societies in Norway and abroad: Belgium, Colombia, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, India, Japan, the Netherlands, Poland, Sweden, Switzerland, Turkey, the United Kingdom, the United States, the USSR and Yugoslavia, on topics such as: Hugo Grotius — His Life and Impact on the Law of Nations; The International Court of Justice; International Law and Nuclear Weapons; International Watercourses; The Law of the Sea; Mankind's Right to Peace; Oil Policy and International Petroleum Legislation; The Protection of the Environment in the Modern Law of Nations; and the United Nations Charter.

Author of several books and articles.

Prince Bola Adesumbo AJIBOLA

(Member of the Court from 5 December 1991 to 5 February 1994; appointed Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon v. Nigeria*))

Born to the Royal Family of Gbdaela II, on 22 March 1934, in Ago-Owu, Abeokuta, Ogun State, Nigeria.

Called to the Bar, Lincoln's Inn, 1962 (Barrister-at-Law); holds Bachelor of Laws Degree of London University; legal practitioner for 23 years, mostly in Lagos and also in all other parts of Nigeria; Principal Partner of Bola Ajibola and Co., with offices in Lagos, Ikeja, Abeokuta and Kaduna (specialization: commercial law practice with particular bias for international arbitration).

Attorney-General and Minister of Justice of the Federal Republic of Nigeria (1985-1991); President of the Association of Arbitrators of Nigeria; President of the Nigerian Bar Association (1984-1985); conferment of an Award of Senior Advocate of Nigeria (1986); Chairman of the Body of Senior Advocates of Nigeria (1985-1991); Chairman of the Disciplinary Committee of the Bar (1985-1991); Chairman of the General Council of the Bar (1985-1991); Chairman of the Advisory Committee on the Prerogative of Mercy (1985-1991); Member of the Advisory Judicial Committee (1985-1991); Member of the Judicial Service Committee (Abuja) (1987-1991); Vice-Chairman of the Body of Benchers (1989-1990); Chairman of the Body of Benchers (1990-1991); Member of the Nigeria Police Council (1989-1991); Chairman of the Task Force for the Revision of the Laws of the Federation (1990).

Leader of the Nigerian Delegation to the United States of America to Initial an Executive Agreement on Procedure for Mutual Assistance on Law Enforcement Matters (1987) and of the Delegation to conclude a Treaty on Mutual Assistance in Criminal Matters (1989), of the Delegation to the United Kingdom to conclude a Treaty concerning the Investigation and Prosecution of Crime and the Confiscation of the Proceeds of Crime (1989), and of the Delegation to the Islamic Republic of Iran and to Algeria, for bilateral talks on Technical and Legal Co-operation (1991).

Member of the Nigerian Delegation to the United Nations General Assembly and Nigerian representative to the Sixth Committee (1986); temporary President of the United Nations General Assembly at its seventeenth special session on narcotic drugs (1990); Member of the International Law Commission (1986-1991).

Member of the Permanent Court of Arbitration (The Hague); Member of the International Chamber of Commerce Court of Arbitration, Paris; Member of the International Maritime Arbitration Commission, Paris; Member of the Board of the London Court of International Arbitration; President of the Pan-African Council of the London Court of International Arbitration.

Initiated the first ever African Law Ministers Conference, Abuja (1989) (attended by 32 African countries); Chairman of Meeting of ECOWAS Council of Law Ministers, Lagos, Nigeria (1990), where the Treaty Establishing the Court for the Economic Community of West African States was drafted and agreed to by ECOWAS law ministers; leader of the Nigerian Delegation to the Ethiopian All-Party Conference on Peaceful and Democratic Transition (1991); Chairman of the First Meeting of the Working Committee, All-Africa Law Ministers Conference, Cairo (1991); Member of the Nigerian Delegation to the World Peace through Law Conferences in Seoul, South Korea (1987), and Beijing, China (1990); leader of the Nigerian Delegation to the World Conference on the Reform of Criminal Law, Canada (1987), to the Commonwealth Law Conference in Auckland, New Zealand (1990) and the Commonwealth Law Ministers Conference in Christchurch, New Zealand (1990), to the World Ministerial Drugs Summit on Action to Reduce the Demand for Drugs and to Combat Cocaine Threat (1990), and to the 17th Session of the Asian African Legal Consultative Committee in Cairo (1991). President of the World Association of Judges; Vice-President of the International Contractual Relations Commission of the International Chamber of Commerce (1976-1980); Vice-President of the Institute of International Business Law and Practice, Paris; National Chairman of the World Peace through Law Center, represented Africa in the demonstration trial on the law of the sea at the World Peace through Law Conference (Manila, 1977); Fellow of the Chartered Institute of Arbitrators; Fellow of the Nigerian Institute of Advanced Legal Studies; Friend of the Institute of Advanced Legal Studies, London.

Member of the African Bar Association, the International Bar Association, the Association of World Lawyers, the International

Chamber of Commerce, the Commonwealth Law Association, the International Council on Commercial Arbitration, the World Arbitration Institute, and the Society for the Reform of Criminal Law.

Editor, *Nigeria's Treaties in Force*, 1970-1990; Editor, *All Nigeria Law Reports*, 1961-1990; Editor-in-Chief, *Justice* (a monthly journal of contemporary legal problems); General Editor of the *Federal Ministry of Justice Law Review Series (FMJLRS)*; Member of the Editorial Advisory Board of the University of Buckingham.

Publications include: *Principles of Arbitration*, 1980; *New Concepts in the Resolution of Disputes in International Construction Contracts*, 1981; *Work Paper on International Commercial Arbitration*, 1982; *Arbitration and State Enterprises - Case Study of Nigerian Cement Transactions*, 1983; *Modernization of National Arbitration Laws in Aid of International Commercial Arbitration*, 1984; *The Law and Settlement of Commercial Disputes*, 1984; *Law Development and Administration in Nigeria*, 1987; *Towards a Better Administration of Justice System in Nigeria*, 1988; *Integration of the African Continent through Law*, 1988; *Narcotics: Law and Policy in Nigeria*, 1989; *Compensation and Remedies for Victims of Crime*, 1989; *Banking Frauds and Other Financial Malpractices in Nigeria*, 1989; *Women and Children under Nigerian Law*, 1990; *Scheme relating to Mutual Assistance in Criminal Matters and the Control of Criminal Activities within Africa*, 1990; "Human Rights under Military Rule in Africa: The Nigerian Experience" in *Essays in Honour of Judge Taslim Olawale Elias*, 1991. Author of numerous articles and conference papers.

1987 World Jurist Award (under the auspices of World Peace through Law at Seoul); Senior Advocate of Nigeria; Recipient of 1986 Ogun State of Nigeria Outstanding Citizen Merit Award; Life Member, Nigerian Institute of International Affairs; Life Member, Body of Benchers, Nigeria; Knight of the Order of the British Empire; Patron of the Nigerian Society of International Law.

III. JUDGES AD HOC

Article 7, paragraph 3, of the Rules of Court provides that judges *ad hoc* are to take precedence after the Members of the Court and in order of seniority of age.

Judge *ad hoc* Antonio de Arruda FERRER-CORREIA

(Judge *ad hoc* in the case concerning *East Timor (Portugal v. Australia)*; resigned on 14 July 1994)

Born on 15 August 1912.

Licentiate (1935) and Doctor (1939) of Law, University of Coimbra. Doctor *honoris causa* (1989) of the University of Aveiro (Portugal) and the Federal University of Rio de Janeiro (Brazil).

Assistant Professor (1940-1948) and Titular Professor (from 1948) in

the Faculty of Law of the University of Coimbra, teaching the following subjects: Introduction to the Study of Law, Private Law, Civil Procedure, Commercial Law and Private International Law. From 1964, teaching at the Faculté internationale de droit comparé (Strasbourg), and Member of its Executive Commission from 1965; Dean of the Faculty of Law (1974) and Rector of the University of Coimbra (1976-1982); Rector emeritus (appointed with approval of the Ministry of National Education) in 1982.

Has lectured extensively at various universities and other institutions in Portugal and abroad.

Took part in the preparation of the Portuguese Civil Code of 1966 and in the revision of the draft of the general part of the Portuguese Criminal Code (1963); appointed President of the Commission for the Revision of the Commercial Code (1977) and later of the Commission for the Reform of Commercial Legislation (1985). Elected by Parliament as a Member of the High Council of the Judiciary (1985) and appointed (by the Ministry of Justice) as President of the Portuguese section of the International Commission on Civil Status (ICCS) (1986).

Participated in the Ibero-American Congress of International Law held in Madrid (1951) and in the congresses organized by the Hispano-Luso-American Institute of International Law at São Paulo (1953), Lisbon (1972) and Madrid (1977). General Rapporteur at the Eighth Congress of the International Academy of Comparative Law (Pescara, 1970) and President at five of the six sessions held by the Faculté internationale de droit comparé in Portugal (1965, 1966, 1971, 1980 and 1987).

Member of the Institute of International Law; Rapporteur of the 12th Commission (international sale of works of art) at the Basle session (1991). Member of the International Academy of Comparative Law (Paris), of the International Comparative Law Association (Paris) and of the Institut du droit et des pratiques des affaires internationales (Paris). Honorary Member of the Institute of Brazilian Lawyers. Honorary President of the Luso-Brazilian Institute of Comparative Law. Founder Member of the Fondation de l'Université de l'Europe (Paris). Member (since 1959), Vice-President and (since 1994) President of the Board of Administration of the Calouste Gulbenkian Foundation.

Grand Cross of several Portuguese and foreign orders.

Editor of the *Revue de législation et de jurisprudence* and Director of the *Revue de droit et d'économie* since 1975. Has given a course at the Hague Academy of International Law on "Les problèmes de codification en droit international privé", *Recueil des cours* (1975).

Principal publications: *Dolo e preterintencionalidade*, 1935; *Erro e interpretação na teoria do negócio jurídico*, 1939 (1st ed.), 1968 (2nd ed.), 1985 (3rd ed.); *Sociedades fictícias e unipessoais*, 1948; *Estudos Jurídicos*, I, 1968; *Estudos Jurídicos*, II (Direito Civil e Comercial, Direito Criminal), 1969; *Estudos Jurídicos*, III (Direito Internacional Privado), 1970; *Lições de Direito Comercial* (cicl.), I (latest version: 1973), II (latest version: 1968), III (latest version: 1975); *Lições de Direito Internacional Privado*

(cicl.) (latest version: 1973-1975); *Les problèmes de codification en droit international privé*, 1975; *Direito Internacional Privado - Alguns problemas*, 1981; *Discursos e entrevistas*, 1982; *Estudos vários de Direito*. "Acta Universitatis Conimbrigensis", 1982; *Temas de Direito Comercial e de Direito Internacional Privado*, 1989.

Author of a comprehensive bibliography comprising monographs, short treatises, review articles, notes on judicial decisions and speeches, totalling over 100 titles.

Judge *ad hoc* Nicolas VALTICOS

(Judge *ad hoc* in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar v. Bahrain*))

Born on 8 April 1918 (Greek nationality).

Judge at the European Court of Human Rights.

Studied law at the Faculty of Law of the University of Paris. First degree in law (1938). Ph.D. in law (doctorat d'Etat, mention très bien) (1948). Faculty prize and Dupin senior prize awarded by the Paris Faculty of Law for doctoral thesis (1948-1949).

Barrister at Law in Athens (1941).

Chief of Section at the Commission administering relief in Greece (under the auspices of the International Committee of the Red Cross) (1942-1945).

Joined the International Labour Office in 1949. In 1955 appointed Chief of the Application of Conference Decisions Division. In 1964 appointed Chief of the International Labour Standards Department. From 1976 to 1981 Assistant Director-General, Adviser for International Labour Standards.

Member and Chairman of various international arbitral tribunals and commissions of enquiry. Chairman of the United Nations Iraq-Kuwait Boundary Demarcation Commission.

Judge *ad hoc* in the case concerning the *Continental Shelf* (*Libyan Arab Jamahiriya v. Malta*) and in the case, referred to a Chamber of the Court, concerning the *Land, Island and Maritime Frontier Dispute* (*El Salvador v. Honduras: Nicaragua intervening*).

Associate Professor at the Faculty of Law of the University of Geneva (1972-1981).

Member of the Institute of International Law, Secretary-General (1981-1991), First Vice-President (1991-1993). Member of the Permanent Court of Arbitration.

Doctor *honoris causa* of the Universities of Utrecht (Netherlands), Leuven (Belgium), Athens (Greece) and Neuchâtel (Switzerland).

Member of the Academy of Athens.

Henri Rolin Professor of International Law (Belgium, 1979-1980).

Member of the Curatorium of the Hague Academy of International Law.

Honorary Member of the American Society of International Law. Member of the Société française pour le droit international, of the Inter-

national Law Association and of the Greek Society of International Law. Member of the Council of the International Institute of Human Rights.

Has given many lectures, in particular at the Hague Academy of International Law (twice), and at various universities and societies in Austria, Belgium, France, Greece, Italy, Japan, Poland, Romania, Switzerland, the United Arab Emirates and the United States.

Has published over 130 studies, articles and books on questions of international law, human rights, civil law and labour law.

Judge *ad hoc* José SETTE-CAMARA

(Judge *ad hoc* in the case concerning the *Territorial Dispute*
(*Libyan Arab Jamahiriya v. Chad*))

Born in Alfenas, State of Minas Gerais, Brazil, on 14 April 1920.

LL.B., Law School of the University of Minas Gerais.

Master in Civil Law, McGill University, Montreal, Canada.

Member of the Brazilian Society of International Law. Member of the Institute of International Law. Member of the Permanent Court of Arbitration.

Entered the Brazilian diplomatic service in 1945. Permanent Representative in Geneva (1960-1961). Ambassador to Canada (1961). Ambassador to Switzerland (1963-1964). Permanent Representative to the United Nations (1964-1968). Ambassador to Czechoslovakia (1972-1979).

Head of the Brazilian delegation to the nineteenth, twentieth and twenty-first sessions of the General Assembly. Representative in the Security Council (1964 and 1967-1969). Delegate to the Sixth Committee of the General Assembly (1970-1978).

Elected Member of the International Law Commission to complete Gilberto Amado's mandate (1970). Elected Member of the International Law Commission by the General Assembly for the periods 1971-1976 and 1977-1982. General Rapporteur, Vice-Chairman and Chairman of the International Law Commission.

President of the United Nations Conference on the Representation of States in their Relations with International Organizations, Vienna (1975). Head of the Brazilian delegation to the United Nations Conference on Succession of States in Respect of Treaties. President of the ILO Commission of Enquiry on the Application of Labour Conventions in Nicaragua (November 1990).

Member of the International Court of Justice from 6 February 1979 to 11 September 1992. Vice-President of the Court from 1982-1985, continued to sit after 5 February 1988 as President of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1986-1992).

Author of various publications on international law and international

problems, including *The Ratification of International Treaties*, 1949; "A Doutrina Larieta", *Boletim da Sociedade Brasileira de Direito Internacional*, 1946; "Hans Kelsen e os Fundamentos do Direito Internacional", *Boletim da Sociedade Brasileira de Direito Internacional*, 1947; "United Nations and International Law Making: the Vienna Convention on the Representation of States in Their Relations with International Organizations", *UN Law Fundamental Rights*, edited by Antonio Cassese, 1979; "Pollution of International Rivers" in the *Recueil des cours* of the Academy of International Law, The Hague, 1984; "The International Law Commission: Discourse on Method", *International Law at the Time of Its Codification: Essays in Honour of Roberto Ago*, Milan, 1987; "A conclusão de Tratados Internacionais e o Direito Constitucional Brasileiro", *Boletim da Sociedade Brasileira de Direito Internacional*, 1990; "Methods of Obligatory Settlement of Disputes", *International Law: Achievements and Prospects*, Paris: Dordrecht, 1991.

Judge *ad hoc* Sir Ninian STEPHEN

(Judge *ad hoc* in the case concerning *East Timor (Portugal v. Australia)*)

Born in the United Kingdom on 15 June 1923.

Educated in the United Kingdom, Switzerland and Australia. War Service (1941-1946), Australian Army.

Honorary doctorates (Melbourne, Sydney, Perth and Griffith Universities), Honorary Master, Gray's Inn.

Admitted to practise in Victoria as a barrister and solicitor in 1949 after studies at University of Melbourne; LL.B. (Melbourne) (1950).

Practised as a solicitor (1949-1952), and from 1952 as a barrister and member of the Victorian Bar; appointed Queen's Counsel (1966). Appointed to the Victorian Supreme Court bench in 1972 and in March 1972 appointed a justice of the High Court of Australia. Sworn of the Privy Council of the United Kingdom in 1979 and sat as a member of its Judicial Committee. Retired from the High Court of Australia in 1982 when senior puisne justice to take up appointment as Governor-General of Australia, which office held until 1989.

Appointed Australia's first Special Ambassador for the Environment (1989).

Chairman of various Australian governmental bodies including the Constitutional Centenary Foundation, the Antarctic Foundation and the National Library of Australia. Appointed in 1992 by the United Kingdom and Republic of Ireland Governments as Chairman of Strand Two of the Talks in Northern Ireland.

Elected (1993) to be a judge of the International Criminal Tribunal for the former Yugoslavia.

Honours and awards: K.G., A.K., G.C.M.G., G.C.V.O., K.B.E., P.C., Commander of the French Legion of Honour.

Judge *ad hoc* Kéba Mbaye

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon v. Nigeria*))

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Honorary First President of the Supreme Court.

Former President of the Constitutional Council of Senegal.

Former lecturer at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Doctor *honoris causa* of the Universities of Lille II, Savoie (France), Bhopal (India) and Emory (United States of America).

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; member of the ILO Committee of Experts.

Vice-Chairman of the Executive Committee of the International Institute of Human Rights (Rene Cassin Foundation); Honorary Member of the International Institute of Humanitarian Law; former Chairman of the International Commission of Jurists; Honorary President of the World Federation of United Nations Associations; former President of the International Academy of Human Rights; Member of the Société française pour le droit international; Vice-President of the Institut international de droit d'expression française; was General Rapporteur at the Organization of African Unity Conference which adopted the African Charter on Human and Peoples' Rights.

Honorary Member of the Belgian Académie royale des sciences d'outre-mer; Member of the International Academy of Comparative Law, of the International Law Association, of the Académie française des sciences d'outre-mer, of the Curatorium of the Hague Academy of International Law, and of the Institute of International Law; Vice-Chairman of the ICC International Court of Arbitration; Member of the International Court of Justice (6 February 1982 to 5 February 1991); Vice-President of the Court (1987 to 1991); formerly judge *ad hoc* in the case concerning the *Arbitral Award of 31 July 1989* (*Guinea-Bissau v. Senegal*); Chairman of the Arbitral Tribunal of Sport.

Author of numerous publications concerning the law of Senegal, the law of sub-Saharan Africa, human rights in general, and in particular the right to development. Gave a lecture on "Interest to Act" before the International Court of Justice at the Hague Academy of International Law (1988).

Judge *ad hoc* José María RUDA†

(Judge *ad hoc* in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (Qatar v. Bahrain))

Born at Buenos Aires on 9 August 1924.

Doctor of Laws, Lawyer, Faculty of Law and Social Sciences, University of Buenos Aires (1949). Master of Law (in International Law), New York University (1955). Doctor of Laws *honoris causa* of the University of Punjab (1976), the Universidad Autónoma de Madrid (1990) and Peking University (1990).

Member of the Institute of International Law; Member of the International Law Association; Member of the Inter-American Institute of International Juridical Studies; Member of the Hispano-Luso-American Institute of International Law; Member of the International Institute of Space Law; Member of the Permanent Court of Arbitration; Member of the Curatorium of the Hague Academy of International Law.

Member of the International Court of Justice from 6 February 1973 to 5 February 1991; member of the Chamber formed by the Court to deal with the case concerning the *Frontier Dispute (Burkina Faso, Republic of Mali)* (1983-1987); Member and President of the Chamber formed by the Court to deal with the case concerning *Electronica Sicula S.p.A. (ELSI)* (1987-1989); President of the Court from 1988 to 1991.

Member and President of the Iran-United States Claims Tribunal (1991-1993). Member and President of the ILO Administrative Tribunal (since 1991). Member and Chairman of the ILO Committee of Experts. Member of the Arbitration Commission of the International Conference on the Former Yugoslavia. Member of the Centre of Conciliators and Arbitrators of the International Centre for Settlement of Investment Disputes.

Honorary Professor of Public International Law at the Faculty of Law and Social Sciences of the University of Buenos Aires. Former Professor of Public International Law at the National Defence College. Visiting Professor at the Colegio de México: course on Argentine foreign policy in the twentieth century (August 1963). Lectures on reservations to treaties at the Hague Academy of International Law (1975).

Officer, Division of Codification of International Law of the Office of Legal Affairs of the United Nations Secretariat (1950-1955). Rapporteur of the Sixth Committee of the United Nations General Assembly at the seventeenth session of the United Nations General Assembly (1962); Chairman of the Committee at the eighteenth session (1963). Member of the International Law Commission of the United Nations (1964-1972); Chairman of the Commission (1968).

Counsellor, first class, at the Argentine Embassy in La Paz, Bolivia (1957-1959). Chef de Cabinet to the Minister for Foreign Affairs and Worship (1959-1961). Legal Counsel (1961-1965). Permanent Representa-

tive to the United Nations (1965-1970). Agent for the Argentine Republic before the arbitration tribunal in the *Rio Encuentro* case (London, 1965-1968). Ambassador Extraordinary and Plenipotentiary, Under-Secretary for Foreign Affairs and Worship (1970-1973).

Representative at the 1959-1969 sessions of the United Nations General Assembly and Chairman of the Argentine delegation (1966-1969); delegate to the Eighth Meeting of Consultation of Ministers of Foreign Affairs (Punta del Este, 1962); representative at the United Nations Conference on Consular Relations and member of the Drafting Committee of the Convention on Consular Relations (Vienna, 1963); Chairman of the Argentine delegation to the Mixed Argentine-Bolivian Commission (1963); delegate to the Commission on River Traffic with Paraguay (1964); Chairman of the Argentine delegation to the Mixed Argentine-Uruguayan Commission on a comprehensive survey of the River Plate (1964-1966); delegate to the first extraordinary conference (Washington, 1964); representative in the Special Committee on Principles of International Law concerning Friendly Relations and Cooperation among States (New York, 1966 and 1968); representative at the United Nations Conference on the Law of Treaties (Vienna, 1968); representative in the United Nations *Ad Hoc* Committee on the Sea-Bed, Rio de Janeiro (1968), and in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction (1969-1970).

Author of numerous works and articles on public international law.

Judge *ad hoc* François Ernest Robert RIGAUX

(Judge *ad hoc* in the case concerning *Oil Platforms*
(Islamic Republic of Iran v. United States of America))

Born in Ixelles, Belgium, on 26 March 1926.

Bachelier of Philosophy (1945); Doctor of Law (1947); Licencié in Criminal Science (1948); Agrégé in Law (1956); Doctor *honoris causa* of the University of Dijon (1981).

Senior Lecturer (1955), Assistant Professor (1959) and Professor (1961) in the Faculty of Law of the Université catholique de Louvain. Subjects taught: civil law (persons and property); private international law; protection of the individual and of privacy. Dean of the Faculty of Law (1980-1984), and President of the International Law Department of the Université catholique de Louvain. Professor emeritus at the Université catholique de Louvain (1991) and Visiting Professor, Faculty of Law (1991-1992; 1992-1993).

Teaching during the 1992-1993 academic year: at the Université catholique de Louvain, "La condition des personnes dans les Communautés européennes", "Séminaire de droit international privé" (special post-graduate diploma in International Law and European Law); at the

Facultés universitaires Saint-Louis, Brussels: "Théorie de l'intégration européenne" (Master's degree in Legal Theory); Louisiana State University - Aix-en-Provence: "Private International Law in the Common Market".

As well as courses and lectures at various foreign universities, particularly in Florence, Bremen, Barcelona, Caracas, Caceres, Geneva, Hamburg, Milan, Munich, Nancy, Regensburg and Rio de Janeiro, gave courses as follows: a course at the Hague Academy of International Law on change of connecting factors in private international law (1966), published in the collection *Recueil des cours*; the General Course on Private International Law in 1989 on "Les situations juridiques individuelles dans un système de relativité générale", also published in the *Recueil des cours*; Visiting Professor at the Université Lovanium, Kinshasa (1970); holder of the Francqui Professorship at the Université libre de Bruxelles (1975-1976 academic year), where he taught a course entitled "Droit public et droit privé dans les relations internationales" (published in 1977); course at the Institut des hautes études internationales (Paris, 1978-1979 academic year) on the new international economic order (published in the Institute's "collection des cours et travaux"); Director of Studies of the 1979 summer programme of the Institut universitaire de Luxembourg on the impact of the EEC on the private international law of its member States (work published in 1980). Holder of the Francqui Professorship in the Faculty of Law of the Katholieke Universiteit Leuven (Catholic University of Louvain) (1980-1981 academic year), where he taught a course on "Le pluralisme juridique". Holder of the Francqui Professorship at the Facultés universitaires Notre-Dame de la Paix, Namur (1991-1992 academic year), where he taught a course on "La liberté de la vie privée". Invited to give lectures at the Tunis Faculty of Law (1988 and 1989), Florence Faculty of Political Science (1988), and Faculty of Law of the Université d'Aix-Marseille (1991-1992).

Served on Ph.D. examining boards at the Universities of Lyons, Nice, Rheims and Tunis.

Member of the Bar of Brussels (1947-1954). Deputy Royal Procurator (1954-1963). At present, Honorary Deputy Royal Procurator. Assessor, Legislation Section of the Conseil d'Etat (1966-1991), authorized by Royal Order to bear the honorary title of that function.

Member of the Institute of International Law (and Third Vice-President from 1983 to 1985). Member of the Institut belge de droit comparé. President of the Société belge de droit international. Member of the governing board of the Société des amis d'Henri Rolin. President of the scientific council of the *Revue belge de droit international*. Member of the governing board of the Centre interuniversitaire de droit comparé. (Corresponding) Member of the Section des sciences morales et politiques, classe des lettres of the Académie royale de Belgique (January 1988). (Associate) Member of the International Academy of Comparative Law.

Winner of the Prix des Anciens Présidents et du *Journal des tribunaux*

awarded to a first-year trainee (1947-1948 judicial year). Winner of the Emile van Dievoet Prize (period 1951-1955) for his work entitled: *La théorie des qualifications en droit international privé*. Winner of the "Legatum Visserianum" Prize awarded in January 1962 by the College of Curators of Leiden University for a dissertation on Representation in Comparative Private International Law, submitted on 1 March 1959. Winner of the José A. Negri Prize awarded by the Federal Council of Argentine Notaries for the collective work "Les régimes matrimoniaux et les successions en droit international privé", edited by him in 1961 on the occasion of the Seventh International Congress of Latin Notaries.

Officer of the Order of Leopold (1968). Commander of the Order of the Crown (1977). Grand Officer of the Order of Leopold II (1988).

Principal publications: *La théorie des qualifications en droit international privé* (1956); *Le statut de la représentation en droit international privé* (1959); *La nature du contrôle de la Cour de cassation* (1966); *Précis de droit international privé* (1968); *Précis de droit des personnes*. Vol. I: *Les relations familiales* (1971), updated with the collaboration of M. T. Meulders-Klein (1978); *Introduction à la science du droit* (1974); *Droit public et droit privé dans les relations internationales* (publication of the *Revue générale de droit international public*, No. 26) (1977); *Droit international privé*. Vol. I: *Théorie générale*, 1977; revised 2nd ed., 1987; Vol. II: *Droit positif belge* (1979); *Pour un autre ordre international*, *Droit économique* 2, Institut des hautes études internationales de Paris, 1979-1980 (1979); *Derecho internacional privado, parte general*, translation and adaptation to Spanish law of Volume I of *Droit international privé*, by Mrs. A. Borrás Rodríguez (1985); *La Carta di Algeri*, translated by Anna Lo Monaco (1988); *Les situations juridiques individuelles dans un système de relativité générale*. General Course on Private International Law, *Recueil des cours de l'Académie de droit international* (1989); *Pour une déclaration universelle des droits des peuples* (1990); *La protection de la vie privée et des autres biens de la personnalité* (1990).

Judge *ad hoc* Elihu LAUTERPACHT

(Judge *ad hoc* in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide: Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)*.)

Born in London, on 13 July 1928.

Cambridge University, B.A. (1949), L.L.M. (1950); Whewell Scholar in International Law (1950).

Director of the Research Centre for International Law and Honorary Professor of International Law, University of Cambridge.

Fellow of Trinity College, Cambridge.

Barrister (1950); Queen's Counsel (1970); Bencher of Gray's Inn.

Commander of the British Empire (C.B.E.) (1989).

Legal Adviser of the Australian Department of Foreign Affairs

(1975-1977); deputy leader of the Australian delegation to the United Nations General Assembly (1975-1977); deputy leader of the Australian delegation to the United Nations Law of the Sea Conference (1975-1977).

Counsel or advocate in numerous cases before the International Court of Justice, the European Commission of Human Rights, the Iran-United States Claims Tribunal, various international arbitral tribunals and national courts, counsel and adviser to many Governments and corporations.

Member of the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes (since 1974); Member of the Panel of Arbitrators of the Dispute Settlement Centre of the International Energy Agency (since 1980).

Chairman of the East African Common Market Tribunal (1972-1975); Member (since 1979) and Vice-President (since 1992) of the World Bank Administrative Tribunal; Chairman of the Asian Development Bank Administrative Tribunal (since 1992).

Member of the Institute of International Law; Honorary Member of the American Society of International Law.

Director, English-speaking Section, Research Centre of the Hague Academy of International Law (1959 and 1960); delivered course of lectures at the Hague Academy of International Law (1976), on "The Development of the Law of International Organization by the Decisions of International Tribunals".

Editor of the *International Law Reports* (since 1960) and founder editor of *British Practice in International Law*.

Publications include *Aspects of the Administration of International Justice* (1991); "The Development of the Law of International Organization by the Decisions of International Tribunals", Hague Academy of International Law, *Recueil des cours* (1976), *Jerusalem and the Holy Places* (1968); and many articles.

Judge *ad hoc* Ahmed Sadek EL-KOSHERI

(Judge *ad hoc* in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (Libyan Arab Jamahiriya v. United Kingdom) and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (Libyan Arab Jamahiriya v. United States of America))

Born at Cairo, Egypt, on 4 April 1932.

Licencie en Droit, Faculté de Droit (1952), D.E.S. Droit Musulman (1954), D.E.S. Droit Privé (1955), D.E.S. Droit Public (1956), Cairo University, D.E.S. en Sciences Politiques (1957), Diplôme de Droit Comparé (1959), Paris University, D.E.S. en Histoire et Philosophie de Droit (1960), Doctorat d'Etat en Droit (1962), Rennes University.

Faculty Member of the Law School, Ain Shams University, Cairo

(1958-1974). Visiting Professor, Beirut Arab University (1963-1964) and Nanterre University (Paris X) (1987-1988). Professor of International Economic Law and Vice-President of Senghor University, Alexandria.

Partner of Kosheri, Rashed and Riad law firm, Cairo.

Member of the Egyptian Conseil d'Etat (1952-1958). Founding General Counsel of the Arab Fund for Economic and Social Development, Kuwait (1963-1964). Legal Adviser of the Ministry of Oil and Finance, Kuwait (1968-1969). Secretary-General of the Islamic Development Bank, Jeddah (1978).

Member of the Institut de droit international. Member of the Council for International Commercial Arbitration (ICCA). Member of the Conseil d'Arbitrage Franco-Arabe. Member of the Scientific Council of the International Business Law Institute, International Chamber of Commerce, Paris.

Author of numerous books and articles on general public international law, international commercial law and on international arbitration.

Judge *ad hoc* Georges Michel ABI-SAAB

(Judge *ad hoc* in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya v. Chad)*)

Born at Heliopolis, Cairo, Egypt, on 9 June 1933.

Licence en droit of the University of Cairo (1954). Postgraduate studies in Law, Economics and Politics at the Universities of Cairo (D.E.S. in Private Law and in Public Law), Paris, Michigan (M.A. Econ.), Harvard (LL.M., S.J.D.), Cambridge and Geneva (Doctor of Political Science). Diploma of the Hague Academy of International Law.

Professor of International Law at the Graduate Institute of International Studies, Geneva, since 1969 (having taught there since 1963).

Member of the Institute of International Law.

Member of the Egyptian delegation to the Conference of Government Experts (1972) and the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Case of Armed Conflict (1974-1977).

Counsel and Advocate of the Tunisian Government in the case concerning the *Continental Shelf (Tunisia v. Libyan Arab Jamahiriya)* before the International Court of Justice, and of the Egyptian Government in the arbitration on the *Frontier Dispute (Togo v. Benin)* (Egypt v. Israel).

Judge *ad hoc* in the case concerning the *Frontier Dispute (Burkina Faso v. Republic of Mali)*, before a Chamber of the International Court of Justice.

Judge of the International Criminal Tribunal for the former Yugoslavia.

Judge of the International Monetary Fund Administrative Council.

Author of numerous books and articles, including *Lex exceptio pre-*

liminaires dans la procédure de la Cour internationale, Etude des notions fondamentales de procédure et des moyens de leur mise en œuvre, 1967; *International Crises and the Role of Law: The United Nations Operation in the Congo 1960-1964*, 1978; *The Concept of International Organization* (as editor), 1981 (French edition, 1980); and two series of lectures at the Hague Academy of International Law: "Wars of National Liberation in the Geneva Conventions and Protocols", in 1979, and the General Course in 1987.

Prince Bola Adesumbo AJIBOLA

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon v. Nigeria*))

For his biography see Section II above, pp. 47-49.

Judge *ad hoc* Mohsen AGHAHOSSEINI

(Judge *ad hoc* in the case concerning the *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran v. United States of America*))

Born in Tehran, Islamic Republic of Iran, on 10 October 1945.

Studied at the Faculty of Law, University of Tehran (LL.B., 1967); University of London (Postgraduate Diploma in Law, 1971, and LL.M., 1973); University of Oxford (B.Litt., 1978); and Gray's Inn, London (1972-1973).

Legal Adviser for International Claims, Ministry of Industries (1979). Legal Adviser and Head of the Legal Department, Industrial Development and Renovation Organization of Iran (1979-1982). Lecturer, Faculties of Law, Letters, and Divinity, Tehran University (1980-1982). Legal Consultant to the Central Bank of the Islamic Republic of Iran (1981). Head of Delegation, Ministry of Industries, to Vienna Conciliation held under the Algerian Declarations (1982). Legal Adviser for Foreign Claims, the Shipping Lines Organization of the Islamic Republic of Iran (1981-1982). Legal Adviser to Iran's Bureau for the Coordination and Implementation of the Algerian Declarations (1982). Legal Assistant, Iran-United States Claims Tribunal (1982-1984). *Ad hoc* Arbitrator, Iran-United States Claims Tribunal (1984). Arbitrator in certain cases before the International Chamber of Commerce (1985 and 1991). Deputy in Charge of Legal Affairs, the Hague Branch of the Bureau of International Legal Services of the Islamic Republic of Iran (1984-1986); and subsequently its Director (1986-1990). Member of the Iran-United States Claims Tribunal (since 1990).

Has written a number of research papers and articles on various legal issues.

Judge *ad hoc* Milenko KREČA

(Judge *ad hoc* in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*)

Born in Sisak on 19 August 1947.

Received M.A. and Ph.D. (LL.D.) degrees *cum laude* from the School of Law, Belgrade University.

Upon graduation, practised law as an attorney (1973-1974).

Assistant Professor (1975), Docent (1978) and Associate Professor (1985) at the Belgrade School of Law. Full-time Professor of International Public Law (1990) and Associate Dean (1989-1991) at the Belgrade School of Law.

Was on several occasions legal adviser to the Ministry of Foreign Affairs and Government of the Federal Republic of Yugoslavia and to other organs of the Republic of Serbia and the Federal Republic of Yugoslavia.

Papers and books: *Practical Course in International Law* (co-author), 1980; *International Public Law* (co-author), 1983, 1986, 1989, 1990, 1991, 1993; *Sources of International Public Law*, 1979, 1985; *Treaty-making Power of the State in International Law, with a Special Review of Federal States*, 1988; *Absolutely Binding Norms (Ius Cogens) in International Public Law*, 1989; *Material for International Public Law, I-III* (co-author), 1988-1989; *Law of the Sea – Scientific Research of the Sea and Transfer of Marine Technology*, 1990; *Treaty-making Power of the State in International Law*, 1991. Author of over 60 articles and papers in Serbian and foreign languages, including: "Some General Reflections on Main Features of *Ius Cogens* as a Notion of International Public Law", in *New Directions in International Law, Essays in Honour of W. Abendroth*, 1982; "Quelques observations sur le problème de la hiérarchie des règles de droit dans le droit international public", in *Yugoslav Review of International Law*, No. 1, 1980; "Constitutional Provisions Regulating Activity of Federal Units in International Relations", in *Yugoslav Review of International Law*, No. 1, 1992.

CHAPTER III

JURISDICTION OF THE COURT

I. JURISDICTION IN CONTENTIOUS CASES

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." Private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) States Members of the United Nations

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 1994 the following 184 States were Members of the United Nations:

<i>State</i>	<i>Date of Admission</i>
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Andorra	28 July 1993
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Armenia	2 March 1992
Australia	Original Member
Austria	14 December 1955
Azerbaijan	2 March 1992
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966

<i>State</i>	<i>Date of Admission</i>
Belarus	Original Member
Belgium	" "
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971
Bolivia	Original Member
Bosnia and Herzegovina	22 May 1992
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Cambodia	14 December 1955
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	" "
Chile	Original Member
China	" "
Colombia	" "
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Croatia	22 May 1992
Cuba	Original Member
Cyprus	20 September 1960
Czech Republic	19 January 1993
Democratic People's Republic of Korea	17 September 1991
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	" "
Egypt	" "
El Salvador	" "
Equatorial Guinea	12 November 1968
Eritrea	28 May 1993
Estonia	17 September 1991
Ethiopia	Original Member
Federated States of Micronesia	17 September 1991
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member

<i>State</i>	<i>Date of Admission</i>
Gabon	20 September 1960
Gambia	21 September 1965
Georgia	31 July 1992
Germany	18 September 1973
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	" "
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	" "
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kazakhstan	2 March 1992
Kenya	16 December 1963
Kuwait	14 May 1963
Kyrgyzstan	2 March 1992
Lao People's Democratic Republic	14 December 1955
Latvia	17 September 1991
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Lithuania	17 September 1991
Luxembourg	Original Member
Macedonia	8 April 1993
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Marshall Islands	17 September 1991

<i>State</i>	<i>Date of Admission</i>
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Moldova	2 March 1992
Monaco	28 May 1993
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	" "
Nicaragua	" "
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	" "
Philippines	" "
Poland	" "
Portugal	14 December 1955
Qatar	21 September 1971
Republic of Korea	17 September 1991
Romania	14 December 1955
Russian Federation	Original Member
Rwanda	18 September 1962
St. Kitts and Nevis	23 September 1983
St. Lucia	18 September 1979
St. Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
San Marino	2 March 1992
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Slovakia	19 January 1993
Slovenia	22 May 1992
Solomon Islands	19 September 1978
Somalia	20 September 1960

<i>State</i>	<i>Date of Admission</i>
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	"
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Syrian Arab Republic	Original Member
Tajikistan	2 March 1992
Thailand	16 December 1946
Togo	20 September 1960
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Turkmenistan	2 March 1992
Uganda	25 October 1962
Ukraine	Original Member
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961
United States of America	Original Member
Uruguay	"
Uzbekistan	2 March 1992
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947
Yugoslavia	Original Member
Zaire	20 September 1960
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*¹

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss

¹ The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5*.

Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

"(a) Acceptance of the provisions of the Statute of the International Court of Justice.

(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter.

(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."¹

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

"1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.

2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.

3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

"(a) A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;

(b) Amendments to the Statute of the International Court of Jus-

¹ See below, Chap. VIII, p. 253.

tice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

The following States not members of the United Nations are at present parties to the Statute¹:

<i>State</i>	<i>Resolution of the General Assembly</i>	<i>Deposit of the instrument of acceptance</i>
Nauru	42.21, 18 November 1987	29 January 1988
Switzerland	91 (I), 11 December 1946	28 July 1948

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute². This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

"The Security Council

In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,

Resolves that:

1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;

¹ Before becoming Members of the United Nations, Japan, Liechtenstein and San Marino were parties to the Statute of the Court, as from 2 April 1954, 29 March 1950 and 18 February 1954 respectively.

² See also Rules, Art. 26, para. 1 (c), and Art. 41, and below, Chap. VIII, p. 253.

2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;

3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;

4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;

5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. Basis of the Court's Jurisdiction

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open¹. The form in which this consent

¹ In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America* (United States of America v. Hungary); *United States of America v. USSR*; *Aerial Incident of 10 March 1953* (United States of America v. Czechoslovakia); *Antarctica* (United Kingdom v. Argentina); *United Kingdom v. Chile*; *Aerial Incident of 7 October 1952* (United States of America v. USSR); *Aerial Incident of 4 September 1954* (United States of America v. USSR); *Aerial Incident of 7 November 1954* (United States of America v. USSR).

is expressed determines the manner in which a case may be brought before the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose¹. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*; this is a unilateral document which must indicate the subject of the dispute and the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 123-140). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 76-82) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force

¹ The following 12 cases were submitted to the Court by means of special agreements: *Asylum (Colombia/Peru)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Sovereignty over Certain Frontier Land (Belgium/Netherlands)*; *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*; *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (case referred to a Chamber); *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber); *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*; *In the Corfu Channel (United Kingdom v. Albania)* (case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)* was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court (P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports (P.C.I.J., Series E, Nos. 8-16)* the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

"2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a) the interpretation of a treaty;
- b) any question of international law;
- c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 82-122).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections¹.

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)².

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such

¹ Preliminary objections were raised in the following 22 cases: *Corfu Channel* (United Kingdom v. Albania); *Rights of Nationals of the United States of America in Morocco* (France v. United States of America); *Ambatielos* (Greece v. United Kingdom); *Anglo-Iranian Oil Co.* (United Kingdom v. Iran); *Nottbohm* (Liechtenstein v. Guatemala); *Monetary Gold Removed from Rome in 1943* (Italy v. France, United Kingdom and United States of America); *Certain Norwegian Loans* (France v. Norway); *Right of Passage over Indian Territory* (Portugal v. India); *Interhandel* (Switzerland v. United States of America); *Aerial Incident of 27 July 1955* (Israel v. Bulgaria); (United States of America v. Bulgaria); *Barcelona Traction, Light and Power Company, Limited* (Belgium v. Spain); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (France v. Lebanon); *Temple of Preah Vihear* (Cambodia v. Thailand); *South West Africa* (Ethiopia v. South Africa; Liberia v. South Africa); *Northern Cameroons* (Cameroon v. United Kingdom); *Barcelona Traction, Light and Power Company, Limited* (New Application, 1962) (Belgium v. Spain); *Elettronica Sicula S.p.A. (ELSI)* (United States of America v. Italy); *Aerial Incident of 3 July 1988* (Islamic Republic of Iran v. United States of America); *Certain Phosphate Lands in Nauru* (Nauru v. Australia); *Oil Platforms* (Islamic Republic of Iran v. United States of America). Questions of jurisdiction or admissibility have also been raised in the following 12 cases: *Appeal Relating to the Jurisdiction of the ICJAO Council* (India v. Pakistan); *Fisheries Jurisdiction* (United Kingdom v. Iceland; Federal Republic of Germany v. Iceland); *Nuclear Tests* (Australia v. France; New Zealand v. France); *Trial of Pakistani Prisoners of War* (Pakistan v. India); *Aegean Sea Continental Shelf* (Greece v. Turkey); *United States Diplomatic and Consular Staff in Tehran* (United States of America v. Iran); *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America); *Border and Transborder Armed Actions* (Nicaragua v. Honduras); *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (Qatar v. Bahrain); *East Timor* (Portugal v. Australia).

² An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum* (Colombia Peru, case CF, note 1, p. 74, below).

party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)¹.

II. ADVISORY JURISDICTION

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

"Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions²:

United Nations:

General Assembly³,
Security Council⁴,

¹ An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

² The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

³ The General Assembly has requested 13 advisory opinions of the Court in the following 12 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter)*; *Reparation for Injuries Suffered in the Service of the United Nations*; *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase*; *id.*, *Second Phase*; *Competence of the General Assembly for the Admission of a State to the United Nations*; *International Status of South West Africa*; *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*; *Effect of Awards of Compensation Made by the United Nations Administrative Tribunal*; *Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa*; *Admissibility of Hearings of Petitioners by the Committee on South West Africa*; *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter)*; *Western Sahara*; *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

⁴ The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

Economic and Social Council¹,
 Trusteeship Council,
 Interim Committee of the General Assembly,
 Committee on Applications for Review of Administrative Tribunal
 Judgements²,

International Labour Organisation;
 Food and Agriculture Organization of the United Nations;
 United Nations Educational, Scientific and Cultural Organization³;
 World Health Organization⁴;
 International Bank for Reconstruction and Development;
 International Finance Corporation;
 International Development Association;
 International Monetary Fund;
 International Civil Aviation Organization;
 International Telecommunication Union;
 International Fund for Agricultural Development;
 World Meteorological Organization;
 International Maritime Organization⁵;
 World Intellectual Property Organization;
 United Nations Industrial Development Organization;
 International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 76-82) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

¹ The Economic and Social Council requested an advisory opinion of the Court in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*.

² The Committee on Applications for Review of Administrative Tribunal Judgements requested an advisory opinion in the following three cases: *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*, *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, *Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal*.

³ The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco*.

⁴ The World Health Assembly requested an advisory opinion of the Court concerning two cases: *Interpretation of the Agreement of 23 March 1951 between the WHO and Egypt* and *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*.

⁵ The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*.

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. INSTRUMENTS GOVERNING THE RELATIONSHIP OF ORGANS OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS WITH THE COURT

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

I. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3¹.

Authorization to the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice: Statute of the United Nations Administrative Tribunal, as amended by resolution 957 (X) of the General Assembly, 8 November 1955, Article 11².

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan, 11 February 1982, Section 26 (United Nations, *Treaty Series*, I, No. 20736, Vol. 1261).

¹ The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

² Article not applicable to Judgements concerning the staff of the International Civil Aviation Organization or Inter-Governmental Maritime Consultative Organization (now International Maritime Organization), which have both, however, accepted the jurisdiction of the United Nations Administrative Tribunal.

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on 21 November 1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organisation

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII¹.

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

¹ The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

5. *United Nations Educational, Scientific and Cultural Organization*

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in 1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)¹.

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X² (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. *World Health Organization*

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. *International Bank for Reconstruction and Development, International Finance Corporation and International Development Association*

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the Inter-

¹ See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

² Article XI before the revision of 1962.

national Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)¹.

¹ As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on 13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22 (United Nations, *Treaty Series*, I, No. 23432, Vol. 1401).

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establish-

ment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE COURT

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 1994, will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

The declarations of Greece and Cameroon were deposited with the Secretary-General of the United Nations during the 12 months under review, on 10 January and 3 March 1994, respectively, and were the first such declarations made by those States. On 10 May 1994, Canada deposited a new declaration replacing and terminating its previous declaration, deposited on 10 September 1985.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now seven such declarations.

The declarations, deposited by a total of 58 States¹, are given here in English². Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

¹ Since 1951, twelve other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, El Salvador, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; *I.C.J. Yearbook 1987-1988*, pp. 70-72; United Nations, *Treaty Series*, I, No. 8196, Vol. 562, I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

² French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

AUSTRALIA

17 III 75.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations of which the Statute of the International Court of Justice is an integral part; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the sixth day of February, one thousand nine hundred and fifty-four¹; and

Whereas Australia desires to withdraw the said declaration;

The Government of Australia hereby withdraws the said declaration and declares for and on behalf of Australia that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to withdraw this declaration.

The Government of Australia further declares that this declaration does not apply to any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement.

In witness whereof, I, Edward Gough Whitlam, Prime Minister acting for and on behalf of the Minister of State for Foreign Affairs of Australia, have hereunto set my hand and affixed the seal of the Minister of State for Foreign Affairs.

Dated this thirteenth day of March, one thousand nine hundred and seventy-five.

(Signed) E. G. WHITLAM,

Prime Minister acting for and on
behalf of the Minister of State for
Foreign Affairs of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the

¹ United Nations, *Treaty Series*, I, No. 2484, Vol. 186.

parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS.

The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY.

The Federal Chancellor.

(Signed) Rudolf KIRCHSCHLAEGER.

The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

- (a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,
- (b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,
- (c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,
- (d) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,

Minister of External Affairs.

BELGIUM¹*[Translation from the French]*

17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification². It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(Signed) V. LAROCK,
Minister
for Foreign Affairs

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

- (a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or
- (b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General

¹ Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I, No. 260, Vol. 16).

² The instrument of ratification was deposited on 17 June 1958.

of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(Signed) Seretse M. KEHAMA,
President.

BULGARIA

[Translation from the Bulgarian]

24 VI 1992.

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(Signed) S. GANEV,
Minister of Foreign Affairs
of the Republic of Bulgaria.

CAMBODIA

[Translation from the French]

19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

- (1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;
- (3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) SIM VAR.

CAMEROON

[Translation from the French by the Registry]

3 III 94.

On behalf of the Government of the Republic of Cameroon, I have the honour to declare that:

The Government of the Republic of Cameroon, in accordance with Article 36, paragraph 2, of the Statute of the Court, recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes.

This declaration shall remain in force for a period of five years. It shall subsequently continue to produce effect until contrary notification or written amendment by the Government of the Republic of Cameroon.

(Signed) Ferdinand Léopold OYONO,
Minister for Foreign Affairs.

On behalf of the Government of Canada,

- (1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985¹ in conformity with paragraph 2 of Article 36 of the Statute of the Court.
- (2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:
 - (a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
 - (b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
 - (c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and
 - (d) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.
- (3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(Signed) Louise FRÉCHETTE,
Ambassador and
Permanent Representative.

¹ I.C.J. Yearbook 1992-1993, pp. 79-80.

COLOMBIA¹

[Translation from the French]

30 X 37.

The Republic of Colombia recognizes as compulsory, *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the Permanent Court of International Justice, in accordance with Article 36 of the Statute.

The present declaration applies only to disputes arising out of facts subsequent to 6 January 1932.

Geneva, 30 October 1937.

(Signed) J. M. YEPES,

Legal Adviser of the Permanent Delegation
of Colombia to the League of Nations.

COSTA RICA

[Translation from the Spanish]

20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San José, 5 February 1973.

(Signed) Gonzalo J. FACIO,

Minister for Foreign Affairs.

CYPRUS

29 IV 88.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any

¹ An instrument of ratification was deposited on 30 October 1937. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

other State accepting the same obligation, over all legal disputes concerning:

- (a) the interpretation of any treaty –
 - I. to which the Republic of Cyprus became a Party on or after 16 August 1960 or
 - II. which the Republic of Cyprus recognizes as binding on it by succession;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

- (a) to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus;
- (b) where the declaration recognizing the compulsory jurisdiction of the International Court of Justice on behalf of any other Party to the dispute was deposited with the Secretary-General of the United Nations less than six months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Cyprus reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 19 April 1988.

Signed George IACOVOU,
Minister of Foreign Affairs.

DENMARK¹

[Translation from the French]

10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956

¹ This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative
to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French]

30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification¹, I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 (b) of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"², the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 (b) of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud FAWZI.

¹ The instrument of ratification was deposited on 4 February 1933.

² United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

ESTONIA

21 X 91.

I, Arnold Rüütel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court.

provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RÜÜTEL,
Chairman of the Supreme Council.

FINLAND

[Translation from the French]

25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the

same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

- (a) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
- (b) disputes with any country in the Commonwealth;
- (c) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(Signed) A. B. N'JIE,

Minister of State for External Affairs.

GREECE

[Translation from the French]

10 I 94.

I declare, on behalf of the Greek Government, that I recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(Signed) Karolos PAPOULIAS,

Minister for Foreign Affairs.

GUINEA-BISSAU

[Translation from the French]

7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any

other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French]

4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish]

6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960¹ as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:
 - (a) the interpretation of a treaty;
 - (b) any question of international law;
 - (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
 - (d) the nature or extent of the reparation to be made for the breach of an international obligation.
2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:
 - (a) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;
 - (b) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;

¹ I.C.J. Yearbook 1984-1985, pp. 70-79.

- (c) disputes relating to facts or situations originating in armed conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;
 - (d) disputes referring to:
 - (i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;
 - (ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;
 - (iii) the airspace over the territories, waters and zones referred to in this subparagraph.
3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.
4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,

President of the Republic.

(Signed) Carlos LÓPEZ CONTRERAS,

The Secretary of State for Foreign Affairs.

HUNGARY

22 X 92

The Republic of Hungary hereby recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

- (a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (b) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;
- (c) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar

- or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;
- (d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(Signed) Dr. GÉZA JESZENSZKY,
Minister for Foreign Affairs
of the Republic of Hungary.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

- (1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
- (2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
- (3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
- (4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;
- (5) disputes with regard to which any other party to a dispute has

accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

- (6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;
- (7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;
- (8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;
- (9) disputes with non-sovereign States or territories;
- (10) disputes with India concerning or relating to:
 - (a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
 - (b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
 - (c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
 - (d) the airspace superjacent to its land and maritime territory; and
 - (e) the determination and delimitation of its maritime boundaries.
- (11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959¹.

New Delhi, 15 September 1974.

(Signed) Swaran SINGH,
Minister for External Affairs.

¹ United Nations, *Treaty Series* I, No. 4871, Vol. 340.

JAPAN

15 IX 58

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(Signed) Koto MATSUDAIRA,

Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

- (1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
- (2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;
- (3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;
- (4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United

Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(Signed) Joseph MURUMBI,

Minister for External Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

- (a) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
- (b) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification¹ and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(Signed) Gabriel L. DENNIS,
Secretary of State.

¹ The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

LIECHTENSTEIN

[Translation from the French]

29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute¹ and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,

(Signed) A. FRICK,

The Head of Government.

LUXEMBOURG²

[Translation from the French]

15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years.

¹ Liechtenstein became a party to the Statute of the Court on 29 March 1950.

² The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(Signed) BECH.

MADAGASCAR

[Translation from the French]

2 VII 92.

On behalf of the Government of Madagascar, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that Madagascar accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and until such time as notice may be given to terminate this acceptance, the compulsory jurisdiction of the Court in all legal disputes concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration does not apply:

- to disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes relating to questions which, under international law, fall exclusively within the jurisdiction of Madagascar.

The Government of Madagascar also reserves the right to add to, amend or withdraw the foregoing reservations by means of a notification addressed to the Secretary-General of the United Nations, which would take effect on the date of its receipt by the Secretary-General.

Antananarivo, 12 May 1992.

(Signed) Césaire RABENORO,
Minister for Foreign Affairs.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in

relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning –

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply to –

- (i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;
- (ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or
- (iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(Signed) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA¹

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the

¹ By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

- (i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;
- (iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;
- (iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;
- (v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;
- (vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;
- (vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and
- (viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966

Signed G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

- (1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and
- (2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

- (a) its territory, including the territorial sea, and the status thereof,
- (b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
- (c) the determination or delimitation of any of the above,
- (d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex SCERERAS TRIGON,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

- (i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which

disputes shall be settled in such manner as the parties have agreed or shall agree;

- (iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;
- (iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;
- (v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;
- (vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and
- (vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

Signed: S. RAMGOOLAM,
Prime Minister and
Minister for External Affairs.

MEXICO

[Translation from the Spanish]

28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accor-

dance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

Signed Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

29 I 88.

On behalf of the Government of the Republic of Nauru I declare that it accepts as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulate that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

I further declare that the present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations.

In witness whereof under my hand and the Common Seal of the Republic of Nauru, dated this thirtieth day of the month of December, one thousand nine hundred and eighty-seven.

Signed Hammer DEKOBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French]

I VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of

reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946¹ is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,

Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

- (I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940² under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.
- (II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:
 - (1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
 - (2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified

¹ United Nations, *Treaty Series*, I, No. 2, Vol. 1.

² *I.C.J. Yearbook 1976-1977*, pp. 89 f.

less than twelve months prior to the filing of the application bringing the dispute before the Court;

- (3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the base-lines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

NICARAGUA¹

[Translation from the French]

24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

NIGERIA

3 IX 65.

Whereas under Article 93 of the United Nations Charter all Member States are *ipso facto* parties to the Statute of the International Court of Justice;

And whereas the Government of the Federal Republic of Nigeria has decided to accept the compulsory jurisdiction of the International

¹ See the Court's Judgment of 26 November 1984 (I.C.J. Reports 1984, p. 392).

Court of Justice and it is necessary to make a declaration in terms of Article 36 (2) of the Statute of the Court;

Now therefore, I, Nuhu Bamali, Minister of State for External Affairs, hereby declare that the Government of the Federal Republic of Nigeria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court.

Done at Lagos, this 14th day of August, one thousand nine hundred and sixty-five.

(Signed) Nuhu BAMALI,
Minister of State
for External Affairs.

NORWAY¹

2 IV 76.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the Royal Norwegian Government, having regard to Article 95 of the Charter of the United Nations, reserves the right at any time to amend the scope of this declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 2 April 1976.

(Signed) Ole ÅLGÅRD,
Permanent Representative of
Norway to the United Nations.

¹ This declaration replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

- (a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
- (b) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
- (c) disputes arising under a multilateral treaty unless
 - (i) all parties to the treaty affected by the decision are also parties to the case before the Court, or
 - (ii) the Government of Pakistan specially agree to jurisdiction; and provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(Signed) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

¹ This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

PANAMA¹

[Translation from the French]

25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(Signed) R. A. AMADOR,
Chargé d'affaires.

PHILIPPINES²

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute –

- (a) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or
- (b) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or
- (c) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court; or

¹ An instrument of ratification was deposited on 14 June 1929. Cf. the footnote to Colombia, p. 89, above.

² This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

- (d) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or
- (e) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines –
 - (i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or
 - (ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(Signed) Carlos P. ROMULO,
Secretary of Foreign Affairs.

POLAND

25 IX 90.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I hereby declare, on behalf of the Government of the Republic of Poland, that the Republic of Poland recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

- (a) disputes prior to the date of this declaration or disputes arisen out of facts or situations prior to the same date;
- (b) disputes with regard to the territory or State boundaries;
- (c) disputes with regard to pollution of the environment unless the jurisdiction of the International Court of Justice results from the treaty obligations of the Republic of Poland;
- (d) disputes with regard to foreign liabilities or debts;
- (e) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than 12 months prior to the filing of the application bringing the dispute before the Court;

- (f) disputes in respect whereof parties have agreed, or shall agree, to have recourse to some other method of peaceful settlement;
- (g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the State.

This declaration shall be valid for a period of five years and be automatically prolonged thereafter for further periods of one year if not denounced by notification addressed to the Secretary-General of the United Nations taking effect after six months from the moment of such notification.

The Government of the Republic of Poland also reserves its right to add, by means of a notification addressed to the Secretary-General of the United Nations and taking effect after six months from the moment of such notification, new reservations or supplements, or to amend or withdraw any of the foregoing reservations.

Warsaw, 21 September 1990.

(Signed) Krzysztof SKUBISZEWSKI,
Minister of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

- (1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;
- (2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;
- (3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(Signed) L. ESTEVES FERNANDES.

[Translation from the French]

2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- Disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- Disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahima FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of

¹ This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(Signed) Abdullahi Issa,
Minister for Foreign Affairs.

SPAIN

[Translation from the Spanish]

29 X 90.

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

- (a) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;
- (b) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;
- (c) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;
- (d) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(Signed) FRANCISCO FERNÁNDEZ ORDÓÑEZ,
Minister for Foreign Affairs.

SUDAN

2158.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

- (a) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
- (b) any question of international law;
- (c) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
- (d) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

- (i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;
- (iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(Signed) Yacoub OSMAN,

Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

- (A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;
- (B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(Signed) W. H. Werner VREEDZAAM,

Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

- (a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or
- (b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(Signed) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN¹

[Translation from the French]

6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

¹ This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

SWITZERLAND

[Translation from the French]

28 VII 48

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute¹ and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(Signed) CELIO,

The President of the Confederation.

(Signed) LEIMGRUBER,

The Chancellor of the Confederation.

TOGO

[Translation from the French]

25 X 1979.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and desiring to contribute to the strengthening of the

¹ Switzerland became a party to the Statute of the Court on 28 July 1948.

international legal order based on the principles set forth in the Charter of the United Nations.

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(Signed) Akanyi-Awunyo KODJOVI.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(Signed) Apollo K. KIRONDE,
Ambassador and Permanent Representative
of Uganda to the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND¹

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern Ire-

¹ This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I, No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

land that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

- (i) any dispute which the United Kingdom
 - (a) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or
 - (b) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;
- (ii) disputes with the government of any other country which is a Member of the Commonwealth with regard to situations or facts existing before 1 January 1969;
- (iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(Signed) L. C. GLASS.

URUGUAY¹

[Translation from the French]

Prior to 28 I 21².

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

¹ An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Colombia, p. 89, above.

² The date on which this declaration (undated) was first published in a League of Nations document.

[Translation from the French]

8 II 89.

... in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(Signed) Bagbeni Adeito NZENGEYA,

Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments notified to the Registry following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. Such clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also, as far as available, the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	Place	Title and Clause	Contracting Parties	Treaty Series
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada France	II:545 Vol. 253
1939				
17 Dec.	Bogota	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia Venezuela	II:896 Vol. 1257
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II:195 Vol. 51
1944				
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg Belgium France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China ¹ United States	I:359 Vol. 25
11 Dec. ²	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec. ²	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec. ²	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China ¹ Philippines	I:175 Vol. 11

¹ All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

² The date and place given here are those of the signature of the amending protocol.

1947 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy Philippines	I: 674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom Burma	I: 904 Vol. 70
12 Nov. ²	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I: 710 Vol. 46
12 Nov. ²	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I: 772 Vol. 53
1948				
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France Lebanon	I: 2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States Italy	I: 1040 Vol. 79
30 Apr.	Bogota	American treaty on pacific settlement	Multilateral	I: 449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India Sweden	I: 543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan India	I: 423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States Italy	I: 314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States France	I: 302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States Denmark	I: 338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States Austria	I: 323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States Netherlands	I: 315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States Greece	I: 342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States Belgium	I: 309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States Norway	I: 317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States Iceland	I: 316 Vol. 20

² See note 2, p. 123.

TREATIES

125

1948 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
3 July	Nanking	Economic co-operation agreement (Art. XI)	United States/China ¹	I: 273 Vois. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/Luxembourg	I: 350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/Sweden	I: 343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/Turkey	I: 351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/United Kingdom	I: 339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/Portugal	I: 442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	I: 1179 Vol. 87
15/29 Nov.	Washington	<i>cf.</i> 1961, 23 Nov.		
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I: 1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I: 428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I: 912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/Philippines	I: 1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/Switzerland	I: 22048 Vol. 1323
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I: 2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I: 782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I: 1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I: 1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/Lebanon	I: 1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I: 934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I: 3596 Vol. 254

¹ See note 1, p. 123.

1950	Place	Title and Clause	Contracting Parties	Treaty Series
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I: 789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/ Ireland	I: 2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/ Mexico	I: 1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I: 2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I: 342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I: 1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I: 1710 Vol. 127
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/ Canada	I: 1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	I: 3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/ Mexico	I: 2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/ Norway	I: 1459 Vol. 105
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I: 2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/ Norway	I: 4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/ United Kingdom	I: 2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I: 1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I: 3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I: 2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/ United States	I: 3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/ United States	I: 2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/ Ethiopia	I: 2785 Vol. 206

TREATIES

127

1951 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	I:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	I:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/ United Kingdom	I:4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/ United Kingdom	I:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	I:226 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I:2741 Vol. 203
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/ United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/Ceylon	I:2608 Vol. 193

1953 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland Denmark	I: 2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain United States	I: 2802 Vol. 207
19 Oct.	Venice	Constitution of the Inter-governmental Committee for European Migration (Art. 30)	Multilateral	I: 2807 Vol. 207
7 Dec. ¹	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I: 2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium Lebanon	I: 2972 Vol. 219
1954				
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden France	I: 3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand Indonesia	I: 2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom Mexico	I: 4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia Lebanon	I: 8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I: 4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom Italy	I: 5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I: 5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I: 10416 Vol. 724
23 Oct. ²	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I: 304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States Fed. Rep. of Germany	I: 3943 Vol. 273

¹ The date and the place given here are those at which the amending protocol was opened for signature.

² The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

TREATIES

129

1954 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I: 3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I: 4146 Vol. 284
1 Dec. ¹	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I: 11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/Ecuador	I: 3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/United Kingdom	I: 2932 Vol. 216
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I: 6150 Vol. 427
10 Aug.	Tripoli	Treaty of friendship and good neighbourliness (Art. 8)	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I: 4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/Switzerland	I: 4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I: 5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I: 3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I: 7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/United States	I: 4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I: 4494 Vol. 310
19 May (opened for signature)	Geneva	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I: 5742 Vol. 399
20 June (opened for signature)	New York	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I: 3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/Fed. Rep. of Germany	I: 4748 Vol. 330

¹ The date and place given here are those of the signature of the revised Convention.

1956 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines Switzerland	I: 4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I: 3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States Rep. of Korea	I: 4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece Sweden	I: 4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I: 4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway Japan	I: 4054 Vol. 280
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt ¹	I: 3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention of the peaceful settlement of disputes	Multilateral	I: 4646 Vol. 230
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan Afghanistan	I: 4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I: 7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan Indonesia	I: 4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I: 5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway Pakistan	I: 4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden Pakistan	I: 5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark Pakistan	I: 4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium Iran	I: 5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes ²	Multilateral	I: 6466 Vol. 450

¹ See Sec. II, p. 91, above.

² This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

TREATIES

131

1958 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I: 4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/Pakistan	I: 5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/Afghanistan	I: 9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/Netherlands	I: 5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/ Honduras	I: 9234 Vol. 645
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I: 6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/ Pakistan	I: 5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I: 5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/ France	I: 5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/ Fed. Rep. of Germany	I: 6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I: 5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I: 6716 Vol. 464
1960				
13 Feb. ¹	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I: 3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/Guinea	I: 5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I: 8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/ Switzerland	I: 5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/ Fed. Rep. of Germany	I: 7404 Vol. 509

¹ The date given here is the date of signature of the amending protocol.

1960 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands Fed. Rep. of Germany	I: 7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom Austria	I: 7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium Jordan	I: 6959 Vol. 479
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I: 6193 Vol. 429
14 Dec. ¹	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India Australia	I: 552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan Japan	I: 6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium United States	I: 6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium United Kingdom	I: 7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute (para. 4)	Iceland United Kingdom	I: 5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I: 7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States Republic of Viet Nam	I: 6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I: 7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom Spain	I: 8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden, Guinea	I: 6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland (para. 5)	Iceland Fed. Rep. of Germany	I: 5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon Liberia	I: 11304 Vol. 794

¹ The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

TREATIES

133

1961 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/Jordan	I: 6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I: 14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/Liberia	I: 8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I: 7247 Vol. 496
23 Nov. ¹	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I: 1613 Vol. 418
23 Nov. ¹	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. III)	Multilateral	I: 1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States Luxembourg	I: 6868 Vol. 474
19 Mar.	Evian	cf. 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I: 6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom Denmark	I: 8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I: 6739 Vol. 466
3 July ²	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I: 7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom Japan	I: 6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I: 7525 Vol. 521

¹ The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

² The date and the places given here are those of the exchange of letters.

1963	Place	Title and Clause	Contracting Parties	Treaty Series
8 Jan.	Seoul	Consular convention (Art. 16)	United States Republic of Korea	I: 7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relations concerning the compulsory settlement of disputes	Multilateral	I: 8640 Vol. 596
13 Aug.	Asuncion	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands Paraguay	I: 8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I: 10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I: 8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I: 11473 Vol. 805
3 Dec. ¹	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I: 1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I: 7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan Lebanon	I: 8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom Japan	I: 8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India Lebanon	I: 11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I: 21114
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I: 8359 Vol. 575

¹ The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

TREATIES

135

1965 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
21 Apr	Belgrade	Consular convention (Art. 45)	United Kingdom/ Yugoslavia	I: 8620 Vol. 595
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I: 8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/ Switzerland	I: 8765 Vol. 605
1966				
8 Feb	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/ Togo	I: 9677 Vol. 680
15 Feb	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I: 13899 Vol. 964
7 Mar	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I: 9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I: 8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I: 9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/ Philippines	I: 12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/ Afghanistan	I: 9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I: 15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I: 9971 Vol. 696
14 July ¹	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I: 11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1925 (Art. 8)	Multilateral	I: 23643

¹ The date and the place given here are those of the signature of the revised Convention.

1968 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I-15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I-16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I-10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I-18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I-10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium United States	I-13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I-16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium Yugoslavia	I-13441 Vol. 943
1970				
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I-21051
19 June	Washington	Treaty on patent co-operation (Art. 59)	Multilateral	I-18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I-11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft (Art. 12, para. 1)	Multilateral	I-12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I-14956 Vol. 1019
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands USSR	I-12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom Ghana	I-11467 Vol. 805

TREATIES

137

1971 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
24 July ¹	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I-25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I-13444 Vol. 943
23 Sep	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I-14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I-14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/Turkey	I-15142 Vol. 1029
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	I-25699
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I-13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I-13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I-14604 Vol. 997
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I-16208
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/Argentina	I-21424 Vol. 1295
30 Nov.	New York	International convention on the suppression and punishment of the crime of apartheid (Art. XII)	Multilateral	I-14861 Vol. 1015
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I-15410 Vol. 1035

¹ The date and the place given here are those of the signature of the revised Convention.

1974	Place	Title and Clause	Contracting Parties	Treaty Series
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy Spain	
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I: 18338
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan Saudi Arabia	I: 13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay Argentina	I: 21425 Vol. 1295
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I: 14152 Vol. 1976
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece Italy	I: 21048 Vol. 1275
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I: 19487 Vol. 1208
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I: 19674 Vol. 1219
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan Philippines	I: 20979 Vol. 1272
*8 Apr.	Vienna	Constitution of the United Nations Industrial Development Organization (UNIDO) (Art. 22, para. 1 (b))	Multilateral	I: 23432 Vol. 1401
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I: 21931 Vol. 1316
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art. 29)	Multilateral	I: 20378 Vol. 1249
1980				
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I: 22301
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador Honduras	I: 21856 Vol. 1310

TREATIES

139

1981	Place	Title and Clause	Contracting Parties	Treaty Series
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. XI)	Switzerland/Benin	I:19804 Vol. 1226
1984				
10 Dec.	New York	Convention against torture and other cruel, inhuman or degrading treatment or punishment (Art. 30, para. 1)	Multilateral	I:24841
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I:26164
10 Dec.	New York	International convention against <i>apartheid</i> in sports (Art. 19)	Multilateral	I:25822
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
10 Mar.	Rome	Convention for the suppression of unlawful acts against the safety of maritime navigation (Art. 18, para. 1)	Multilateral	I:29004
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	I:27627
1989				
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	
1991				
1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection (Art. XI, para. 1)	Multilateral	
1992				
9 May	New York	United Nations framework convention on climate change	Multilateral	
5 June	Rio de Janeiro	Convention on biological diversity (Art. 27, para. 3)	Multilateral	

1993	<i>Place</i>	<i>Title and Clause</i>	<i>Contracting Parties</i>	<i>Treaty Series</i>
13 Jan.	Paris	Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (Art. XIV, para. 2)	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. SEAT

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 258, below).

II. ADMINISTRATION

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)¹.

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President, the Vice-President and five judges who are elected annually (at present Judges Oda, Tarassov, Guillaume, Shahabuddeen and Shi).

¹ Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (pp. 159-160, below).

In 1967 the Court established a Committee on Relations. Its present members are Judges Ago, Aguilar Mawdsley and Weeramantry. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Sir Robert Jennings, Weeramantry, Ranjeva, Herczegh and Koroma) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Oda, Ago, Sir Robert Jennings, Tarasov, Guillaume, Fleischhauer and Koroma.

Each year, in application of Article 11 of the Staff Regulations for the Registry, which came into force in 1979, the Court elects a Judge and Alternate Judge for Staff Appeals. Judges Weeramantry and Fleischhauer, respectively, hold these offices at present.

2. The Registry

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24).

(a) The Registrar and the Deputy-Registrar

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 23). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). Under the Instructions "the Registrar is responsible for all departments of the Registry. The Staff is under his control and he alone is authorized to direct the work of the Registry, of which he is the Head." He is assisted by the Deputy-Registrar and, in the event of his absence, is replaced by the Deputy-Registrar or, failing him, an official of the Registry appointed by the President (Rules, Art. 27; Instructions for the Registry, Arts. 2 and 42).

The present Registrar is Mr. Eduardo Valencia-Ospina, of Colombian nationality, who was elected on 19 February 1987 and re-elected on 15 February 1994 for a term of 7 years, as from 19 February 1994. He was previously the Court's Deputy-Registrar (1984-1987) and before that had served as the senior legal officer of the Codification Division at the Office of Legal Affairs in the United Nations Secretariat.

On 15 February 1994 the Court elected Mr. Jean-Jacques Arnaldez to the post of Deputy-Registrar for a term of 7 years, as from 19 February 1994. Mr. Arnaldez, who is of French nationality, was previously Legal Counsel in a Paris international law firm (1977-1982) and Counsel in the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1982-1994).

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980) and S. Torres Bernárdez (1980-1986). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), A. Pillepich (1977-1984), E. Valencia-Ospina (1984-1987), and B. Noble (1987-1994).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service category and temporary staff, however, are appointed by the Registrar (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 1994, showing the posts they occupy with references, where appropriate, to the articles of the Instructions for the Registry in which their duties are defined.

	<i>Date of assumption of duties</i>	<i>Nationality</i>
<i>Secretaries of the Court (Art. 43)</i>		
<i>Principal Legal Secretary</i>		
H. W. A. Thurlway	1 September 1968	British
<i>First Secretaries</i>		
Ph. Couvreur	13 April 1982	Belgian
E. Didier	1 May 1994	Canadian

Secretaries

A. Brouillet	13 June 1988	French
A. Th. Witteveen	15 July 1975	Dutch
In charge of information matters		

Linguistic Staff

Mrs. J. E. Bouri	1 July 1986	British
F. Mengin	5 May 1986	French
Miss D. M. Eissen	1 January 1994	French

Legal Officer

J.-P. Issele	5 April 1988	French
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Special Assistants

C. D. McAuliffe	1 November 1991	Irish
P. H. F. Bekker	1 May 1992	Dutch

Information Officer

Mrs. N. Choucri El-Erian	1 March 1982	Egyptian
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Administrative Assistants

Miss H. E. Jeffares	1 October 1993	Irish
Mrs. M. G. A. van Haasbergen	1 March 1985	French
Miss M. D. Donnelly	1 January 1985	British

Establishment (Arts. 54-66)

M. Mendella	1 April 1986	Canadian
Accountant, Establishment Officer, Head of Department		
C. Uriot	1 March 1981	Dutch
B. J. van Veen	1 March 1982	Dutch
T. Komnenovic	1 August 1973	Yugoslav
H. Laejendecker	1 January 1994	Dutch

Telephonists-Receptionists

Mrs. J. Koot-Jager	1 March 1978	Dutch
Mrs. E. Keijman	1 April 1978	Dutch

Messengers

I. J. van der Meer	1 June 1980	Dutch
Co-ordinator		
F. Koch	1 September 1985	Dutch
D. Driessen	1 April 1982	Dutch
Mrs. M. Buan	1 October 1991	Dutch

Security Guards

R. Pijl	1 January 1990	Dutch
E. van Heeswijk	16 August 1993	Dutch

Shorthand and Typewriting Department (Arts. 53)

Mrs. N. Juszezak Head of Department	1 January 1979	French
Miss C. Rakoto	5 September 1983	Malagasy
Mrs. C. Wainwright	1 January 1990	Australian
Mrs. D. Roodbol	1 January 1990	French
Miss V. Primas	1 January 1990	French
Miss M. Velasco	1 February 1993	Spanish
G. D'Olive	4 February 1982	Italian
M. Sow	1 August 1985	Senegalese

Judges' Secretaries

Mrs. M. de Meyier Co-ordinator	1 January 1982	French and Dutch
Mrs. R. Snoeck	10 January 1977	French and Dutch
Miss W. Ch. Deelder	1 July 1982	Dutch
Mrs. J. van Hamel	1 November 1985	British
Mrs. L. Speeleveld	1 January 1986	Belgian
Miss H. H. Muyen	1 June 1987	Dutch
Miss L. E. Brown	1 January 1990	British
Mrs. M. Cleary-Cogan	1 January 1990	British
Mrs. A. Rowland-Moore	1 January 1990	British
Miss M. Sullivan	1 January 1990	British
Mrs. D. Bloemendaal	1 April 1990	British
Mrs. J. Devisme	1 January 1986	French
Miss Ch. L. Kamers	8 March 1993	Dutch

Archives (Arts. 44-52)

S. R. S. Bedi Head of Department	16 September 1985	Indian
D. van Rooij	16 April 1975	Dutch
S. Cantarella	9 April 1981	Italian
J. Pronk	1 January 1981	Dutch

Printing Department (Arts. 67-69)

P. Vio Head of Department	1 June 1974	Italian
S. H. Herd	1 August 1987	British

Documents Department (Arts. 70-73)

A. C. G. M. Eyffinger	1 February 1988	Dutch
Librarian, Head of Department		
Mrs. R. S. B. van Megen	13 August 1973	Dutch
M. Schiethart	1 January 1981	Dutch
G. Vooijs	1 January 1981	Dutch

(c) Staff Regulations for the Registry

Article 28, paragraph 4, of the Rules of Court states:

"The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164).

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) Privileges and immunities

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-

passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) Correspondence

Article 26, paragraph 1 (*a*), of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telegraphic address: INTERCOURT THE HAGUE; Telex: 32323; Telefax (3170) 364 99 28). It should be written in either English or French¹.

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (3170) 302 23 23.

(b) Access to the Court's library and archives

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 (*n*)).

(c) Information

Article 26, paragraph 1 (*k*) and (*m*), of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools

¹ It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the Secretaries.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court¹.

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry.

Press Communiqués:

Background Notes, of which four are available:

II and II bis. Synopsis of cases referred to the International Court of Justice (1947-1969 and 1969-1976).

IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972.

V. Note by the Registry on the Revised Rules of Court (1978).

VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986).

Also obtainable, from the Registry or United Nations Information Centres, are:

— a popular handbook on *The International Court of Justice*, published in Arabic, Chinese, English, French, Russian, Spanish and German editions, which is in particular distributed in the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

— a booklet on the Court published by the United Nations Department of Public Information in English, French, Spanish and Dutch editions;

— unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind. During the period under review the Court received 97 groups including scholars and academics, judges and representatives of judicial authorities, lawyers and legal professionals, as well as others, amounting to some 3,300 persons in all.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 153, 154, 158).

¹ These publications are distinct from the publications of the Court issued by the Registry; see below, Chap. VII, pp. 224-226.

III. PRACTICE IN REGARD TO PROCEDURE¹

1. General

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39, Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives

¹ For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; *I.C.J. Yearbook 1989-1990*, pp. 157-162; *I.C.J. Yearbook 1990-1991*, pp. 174-182; *I.C.J. Yearbook 1991-1992*, pp. 198-204; *I.C.J. Yearbook 1992-1993*, pp. 242-248; and pp. 209-216 in Chapter VI, below.

(Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 (*f*)-(1)), and Art. 71, Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 (*b*), and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969 and 1969-1976)*.

(For the General List of the Permanent Court of International Justice, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. *Procedure in Contentious Cases*

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 71-72, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted. Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the

President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14).

The party's submissions are set out in each pleading (Rules, Art. 49).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 x 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with. If the composition is entrusted to one of the printers who work for the Court, so that it is not necessary to re-compose the texts when they come to be used in the Court's series *Pleadings, Oral Arguments, Documents* (see (e) below), the Court will at that stage reimburse half the cost, at the normal rate, of the composition of the pleading itself and of such annexes as are to be reproduced in the *Pleadings* series (but excluding any text in a language other than English or French or entirely reproduced from another printed pleading).

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 (g)).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see (e) below).

(c) Oral proceedings

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*¹ (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties

¹ In the *Corfu Channel* (*United Kingdom v. Albania*) case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear* (*Cambodia v. Thailand*) case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa* (*Ethiopia v. South Africa*, *Liberia v. South Africa*) cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf* (*Tunisia/Libyan Arab Jamahiriya*), it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area* (*Canada/United States of America*) case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf* (*Libyan Arab Jamahiriya/Malta*), the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*) it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Eletronica Sicula S.p.A. (ELSI)* (*United States of America v. Italy*), heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute* (*El Salvador/Honduras: Nicaragua intervening*), the Court heard a witness presented by one of the Parties, but did not accede to a request concerning an inspection *in loco*.

and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court; such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52, Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Admission cards are issued to members of the diplomatic corps and to representatives of the press and also to any person who makes application either in writing or in person at the Peace Palace on the occasion of a hearing. Photographs may be taken before the opening of hearings. Filming for cinema or television purposes is, however, subject to special authorization. There is a Press Room within the Peace Palace, and also a Post Office where a number of telephones are available for the use of journalists. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(c)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representa-

tives of the press (see /c/ above). However, where photography or filming is intended for use in newsreels or television news, it may be authorized not only at the beginning of a sitting but also when the operative terms of the judgment are read out.

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 224-225, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 253, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

In addition, there exists a Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, established on 1 November 1989¹. The Fund is designed to encourage States to settle their disputes peaceably by submitting them to

¹ Cf. United Nations doc. A/44/PV.43 (1989).

the Court. To be eligible for funding, a State must be entitled to appear before the Court (see Chapter III, pp. 63-70, for an explanation of which States are so entitled) and demonstrate a need for financial assistance. In addition, the dispute must be submitted to the Court by Special Agreement.

3. Occasional Rules in Contentious Cases

(a) Provisional measures

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)¹.

(b) Joinder of proceedings

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order².

(c) Preliminary objections

Preliminary objections (see Chap. III, p. 73, above) must be filed within the time-limit fixed for the filing of the Counter-Memorial (Rules, Art. 79). They suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character³. The Court may also

¹ Such provisional measures have been requested in the following 17 cases: *Anglo-Iranian Oil Co. (United Kingdom v. Iran)*; *Interhandel (Switzerland v. United States of America)*; *Fisheries Jurisdiction (United Kingdom v. Iceland)*; *Federal Republic of Germany v. Iceland*; *Nuclear Tests (Australia v. France)*; *(New Zealand v. France)*; *Trial of Pakistani Prisoners of War (Pakistan v. India)*; *Aegean Sea Continental Shelf (Greece v. Turkey)*; *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Border and Transborder Armed Actions (Nicaragua v. Honduras)* (in this case the request was withdrawn); *Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)*; *Passage through the Great Belt (Finland v. Denmark)*; *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*; *(Libyan Arab Jamahiriya v. United States of America)*; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))* (in this case two requests were made by Bosnia and Herzegovina and one by Yugoslavia (Serbia and Montenegro)).

² Proceedings were joined in the following cases: *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*; *North Sea Continental Shelf (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)*.

³ The Court gave its decision on the preliminary objections raised in the following 15 cases: *Corfu Channel (United Kingdom v. Albania)*; *Ambatielos (Greece v. United Kingdom)*; *Anglo-*

give effect to an agreement between the parties that objections should be heard and determined within the framework of the merits¹.

(d) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)². If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)³.

Iranian Oil Co. v. United Kingdom v. Iran; *Nottebohm v. Liechtenstein v. Guatemala*; *Monetary Gold Removed from Rome in 1943 v. Italy v. France, United Kingdom and United States of America*; *Certain Norwegian Loans v. France v. Norway*; *Right of Passage over Indian Territory v. Portugal v. India*; *Interhandel v. Switzerland v. United States of America*; *Aerial Incident of 27 July 1955 v. Israel v. Bulgaria*; *Temple of Preah Vihear v. Cambodia v. Thailand*; *South West Africa v. Ethiopia v. South Africa*; *Liberia v. South Africa*; *Northern Cameroons v. Cameroon v. United Kingdom*; *Barcelona Traction, Light and Power Company, Limited (New Application, 1962) v. Belgium v. Spain*; *Elettronica Sicula S.p.A. (ELSI) v. United States of America v. Italy*; *Certain Phosphate Lands in Nauru v. Nauru v. Australia*; Preliminary objections on which the Court will yet have to give a decision have also been raised in two pending cases: *Aerial Incident of 3 July 1988 v. Islamic Republic of Iran v. United States of America*; and *Oil Platforms v. Islamic Republic of Iran v. United States of America*. In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn (*Rights of Nationals of the United States of America in Morocco v. France v. United States of America*), or as the result of a discontinuance (*Aerial Incident of 27 July 1955 v. United States of America v. Bulgaria*); *Barcelona Traction, Light and Power Company, Limited (first application) v. Belgium v. Spain*; *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient v. France v. Lebanon*). The Court also dealt with questions of jurisdiction or admissibility in the following nine cases: *Appeal Relating to the Jurisdiction of the ICAO Council v. India v. Pakistan*; *Fisheries Jurisdiction v. United Kingdom v. Iceland*; *Federal Republic of Germany v. Iceland*; *Nuclear Tests v. Australia v. France*; *New Zealand v. France*; *Aegean Sea Continental Shelf v. Greece v. Turkey*; *United States Diplomatic and Consular Staff in Tehran v. United States of America v. Iran*; *Military and Paramilitary Activities in and against Nicaragua v. Nicaragua v. United States of America*; *Border and Transborder Armed Actions v. Nicaragua v. Honduras*. The Court has still to decide questions of jurisdiction and admissibility in the pending cases concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain v. Qatar v. Bahrain*, and *East Timor v. Portugal v. Australia*.

¹ This was done in *Elettronica Sicula S.p.A. (ELSI) v. United States of America v. Italy*. Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans v. France v. Norway*, and by decision of the Court in the following two cases: *Right of Passage over Indian Territory v. Portugal v. India*; *Barcelona Traction, Light and Power Company, Limited (New Application, 1962) v. Belgium v. Spain*.

² Permission to intervene was applied for in the *Nuclear Tests* cases (*Australia v. France*; *New Zealand v. France*), in the cases concerning the *Continental Shelf* (*Tunisia v. Libyan Arab Jamahiriya*; and the *Continental Shelf v. Libyan Arab Jamahiriya v. Malta*), and in the case concerning the *Land, Island and Maritime Frontier Dispute* (*El Salvador v. Honduras*).

³ A third State intervened in the *Haya de la Torre v. Colombia v. Peru* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua v. Nicaragua v. United States of America*.

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(e) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53).¹

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89).²

(f) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, pp. 73-74). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100).^{3,4}

¹ A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom v. Albania)*; *Assessment of Amount of Compensation: Anglo-Iranian Oil Co. (United Kingdom v. Iran)*; *Interim Protection: Nottebohm (Liechtenstein v. Guatemala)*; *Preliminary Objection: Fisheries Jurisdiction (United Kingdom v. Iceland)*; *Federal Republic of Germany v. Iceland*; *Interim Protection: Jurisdiction of the Court and Merits: Nuclear Tests (Australia v. France)*; *(New Zealand v. France)*; *Interim Protection and Second Phase: Trial of Pakistani Prisoners of War (Pakistan v. India)*; *Interim Protection: Aegean Sea Continental Shelf (Greece v. Turkey)*; *Interim Protection and Jurisdiction of the Court: United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*; *Provisional Measures and Merits: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*; *Merits*.

² The following 11 cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France v. Egypt)*; *Electricité de Beyrouth Company (France v. Lebanon)*; *Aerial Incident of 27 July 1955 (United States of America v. Bulgaria)*; *(United Kingdom v. Bulgaria)*; *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. Lebanon)*; *Trial of Pakistani Prisoners of War (Pakistan v. India)*; *Border and Transborder Armed Actions (Nicaragua v. Costa Rica)*; *Border and Transborder Armed Actions (Nicaragua v. Honduras)*; *Passage through the Great Belt (Finland v. Denmark)*; *Certain Phosphate Lands in Nauru (Nauru v. Australia)*. Furthermore, the cases concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)* and *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

³ The Court gave a decision on a request for interpretation of its Judgment in the *Asylum (Colombia/Peru)* case. See also pp. 73, note 2, and 74, note 1, above.

⁴ The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(g) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)¹.

4 *Procedure in Advisory Cases*

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 13-17, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 74-75, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request: all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)².

¹ The Court was seized of an *Appeal Relating to the Jurisdiction of the ICAO Council India v. Pakistan*; in the case of that name.

² The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67, Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

IV. OCCASIONAL FUNCTIONS ENTRUSTED TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty generally consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and

a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. Other Appointments

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 (*a*) of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 1993-1994

During the period under review the Court was seised of the contentious case concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon v. Nigeria*). A request for an advisory opinion was submitted by the World Health Organization (WHO) in the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*. Yugoslavia submitted a request to the Court against the Member States of NATO. The case concerning *Certain Phosphate Lands in Nauru* (*Nauru v. Australia*) was removed from the list at the request of both Parties.

On 16 March 1994, Yugoslavia filed an Application with the Court against the Member States of NATO, basing the jurisdiction of the Court on its Statute and on the "consent given by the respondent States in accordance with Article 38 (5) of the Rules of Court".

Article 38, paragraph 5, of the Rules of Court reads as follows:

"When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

At 31 July 1994, no consent to the jurisdiction of the Court for the purposes of this case has been received from the Member States of NATO.

The Court held 11 public sittings and a number of private meetings. It delivered a Judgment on the merits in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya v. Chad)* (*I.C.J. Reports 1994*, p. 6) and a Judgment in the jurisdiction and admissibility phase of the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)* (*I.C.J. Reports 1994*, p. 112). It made an Order on the second request by Bosnia and Herzegovina for the indication of provisional measures and on a similar request by Yugoslavia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))* (*I.C.J. Reports 1993*, p. 325). It further made an Order in the case concerning *Certain Phosphate Lands in Nauru (Nauru v. Australia)* (*I.C.J. Reports 1993*, p. 322), whereby it removed the case from the list, and Orders concerning time-limits in the following cases: *Legality of the Use by a State of Nuclear Weapons in*

Armed Conflict (I.C.J. Reports 1993, p. 467) and *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)* (I.C.J. Reports 1994, p. 105).

The President of the Court made Orders concerning time-limits in the cases concerning *Oil Platforms: Islamic Republic of Iran v. United States of America* (I.C.J. Reports 1994, p. 3) and *Legality of the Use by a State of Nuclear Weapons in Armed Conflict* (I.C.J. Reports 1994, p. 109).

The Vice-President of the Court made an Order extending time-limits in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia, Serbia and Montenegro)* (I.C.J. Reports 1993, p. 470).

I. CASES BEFORE THE COURT

A. CONTENTIOUS CASES BEFORE THE FULL COURT

1. *Aerial Incident of 3 July 1988*

Islamic Republic of Iran v. United States of America

On 17 May 1989, the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America, citing as bases for the Court's jurisdiction provisions of the 1944 Chicago Convention on International Civil Aviation and the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

In its Application, the Islamic Republic of Iran referred to:

"The destruction of an Iranian aircraft, Iran Air Airbus A-300B, flight 655, and the killing of its 290 passengers and crew by two surface-to-air missiles launched from the USS *Vincennes*, a guided-missile cruiser on duty with the United States Persian Gulf Middle East Force in the Iranian airspace over the Islamic Republic's territorial waters in the Persian Gulf on 3 July 1988."

It contended that,

"by its destruction of Iran Air flight 655 and taking 290 lives, its refusal to compensate the Islamic Republic for damages arising from the loss of the aircraft and individuals on board and its continuous interference with the Persian Gulf aviation".

the Government of the United States had violated certain provisions of the Chicago Convention on International Civil Aviation (7 December 1944), as amended, and of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971), and that the Council of the International Civil Aviation Organization (ICAO) had erred in its decision of 17 March 1989 concerning the incident.

In its Application the Government of the Islamic Republic of Iran requested the Court to adjudge and declare:

- (a) that the ICAO Council decision is erroneous in that the Government of the United States has violated the Chicago Convention, including the Preamble, Articles 1, 2, 3 *bis* and 44 (a) and (h) and Annex 15 of the Chicago Convention as well as Recommendation 2.6.1 of the Third Middle East Regional Air Navigation Meeting of ICAO;
- (b) that the Government of the United States has violated Articles 1, 3 and 10 (1) of the Montreal Convention; and
- (c) that the Government of the United States is responsible to pay compensation to the Islamic Republic, in the amount to be determined by the Court, as measured by the injuries suffered by the Islamic Republic and the bereaved families as a result of these violations, including additional financial losses which Iran Air and the bereaved families have suffered for the disruption of their activities."

On 13 December 1989, the Court, having taken into account the views expressed by each of the Parties, fixed 12 June 1990 as the time-limit for the filing of the Memorial of the Islamic Republic of Iran and 10 December 1990 for the filing of the Counter-Memorial of the United States of America (*I.C.J. Reports 1989*, p. 132). Judge Oda appended a declaration to the Order of the Court (*ibid.*, p. 135); Judges Schwebel and Shahabuddeen appended separate opinions (*ibid.*, pp. 136-144 and 145-160).

By an Order of 12 June 1990 (*I.C.J. Reports 1990*, p. 86), made in response to a request by the Islamic Republic of Iran and after the views of the United States of America had been ascertained, the President of the Court extended to 24 July 1990 the time-limit for the filing of the Memorial of the Islamic Republic of Iran and to 4 March 1991 the time-limit for the Counter-Memorial of the United States of America. The Memorial was filed within the prescribed time-limit.

On 4 March 1991, within the time-limit fixed for the filing of its Counter-Memorial, the United States of America filed certain preliminary objections to the jurisdiction of the Court. By virtue of the provisions of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended and a time-limit had to be fixed for the presentation by the other Party of a written statement of its observations and submissions on the preliminary objections. By an Order of 9 April 1991 (*I.C.J. Reports 1991*, p. 6), the Court, having ascertained the views of the Parties, fixed 9 December 1991 as the time-limit within which the Islamic Republic of Iran may present such observations and submissions.

The Islamic Republic of Iran chose Mr. Mohsen Aghahosseini to sit as judge *ad hoc*.

By Orders of 18 December 1991 (*I.C.J. Reports 1991*, p. 187) and

5 June 1992 (*I.C.J. Reports 1992*, p. 225), made in response to successive requests by Iran and after the views of the United States had been ascertained, the President of the Court extended the above-mentioned time-limit for the written observations and submissions of Iran on the preliminary objections to 9 June and 9 September 1992 respectively. Those observations and submissions were filed within the prescribed time-limit and were communicated to the Secretary-General of the International Civil Aviation Organization (ICAO), together with the written pleadings previously filed, pursuant to Article 34, paragraph 3, of the Statute of the Court and Article 69, paragraph 3, of the Rules of Court. The President of the Court, acting under the same provisions, fixed 9 December 1992 as the time-limit for the eventual submission of written observations by the Council of ICAO. The ICAO's observations were duly filed within that time-limit.

The public sittings to be held so that the Court may hear the oral arguments of the Parties will open on 12 September 1994.

2. Certain Phosphate Lands in Nauru (Nauru v. Australia)

On 19 May 1989 the Republic of Nauru filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in respect of a dispute concerning the rehabilitation of certain phosphate lands mined under Australian administration before Nauruan independence. Nauru cited as bases for the Court's jurisdiction the declarations made by both States under Article 36, paragraph 2, of the Statute.

In its Application, Nauru claimed that Australia had breached the trusteeship obligations it accepted under Article 76 of the Charter of the United Nations and under Articles 3 and 5 of the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law.

The Republic of Nauru requested the Court to adjudge and declare:

"that Australia has incurred an international legal responsibility and is bound to make restitution or other appropriate reparation to Nauru for the damage and prejudice suffered";

and further

"that the nature and amount of such restitution or reparation should, in the absence of agreement between the Parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings".

By an Order of 18 July 1989 (*I.C.J. Reports 1989*, p. 12), the Court, having ascertained the views of the Parties, fixed 20 April 1990 as the time-limit for the Memorial of Nauru and 21 January 1991 for the Counter-Memorial of Australia. The Memorial was filed within the prescribed time-limit.

On 16 January 1991, within the time-limit fixed for the filing of the Counter-Memorial, Australia filed certain preliminary objections whereby it asked the Court to adjudge and declare "that the Application by Nauru is inadmissible and that the Court lacks jurisdiction to hear the claims made by Nauru". In accordance with Article 79, paragraph 2, of the Rules of Court the proceedings on the merits were suspended and the Court, by an Order of 8 February 1991 (*I.C.J. Reports 1991*, p. 3), fixed 19 July 1991 as the time-limit within which Nauru might present a written statement of its observations and submissions on the objections. This written statement was filed within the prescribed time-limit.

Oral proceedings on the issues of jurisdiction and admissibility were held from 11 to 22 November 1991. During eight public sittings the Court heard statements made on behalf of Australia and Nauru. Members of the Court put questions to the Parties.

On 26 June 1992, at a public sitting, the Court delivered its Judgment on the Preliminary Objections (*I.C.J. Reports 1992*, p. 240), by which, with one exception, it rejected the objections and found that it had jurisdiction to entertain the Application and that the latter was admissible.

Judge Shahabuddeen appended a separate opinion to the Judgment (*ibid.*, pp. 270-300); President Sir Robert Jennings, Vice-President Oda and Judges Ago and Schwebel appended dissenting opinions (*ibid.*, pp. 301-302, 303-325, 326-328 and 329-343).

By an Order of 29 June 1992 (*ibid.*, p. 345), the President of the Court, having ascertained the views of the Parties, fixed 29 March 1993 as the time-limit for the filing of the Counter-Memorial of Australia. The Counter-Memorial was filed within the prescribed time-limit.

By an Order of 25 June 1993 (*I.C.J. Reports 1993*, p. 316), the Court, taking into account the views of the Parties, directed that a Reply by the Applicant and a Rejoinder by the Respondent should be filed and fixed the following time-limits: 22 December 1993 for the Reply of Nauru and 14 September 1994 for the Rejoinder of Australia.

By a joint notification filed in the Registry on 9 September 1993 the two Parties informed the Court that they had, in consequence of having reached a settlement, agreed to discontinue the proceedings. By an Order of 13 September 1993 (*ibid.*, p. 322), the Court placed on record the discontinuance and directed that the case be removed from the list.

3. Territorial Dispute (Libyan Arab Jamahiriya/Chad)

On 31 August 1990 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court a notification of an agreement between that Government and the Government of the Republic of Chad, entitled "Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad", concluded in Algiers on 31 August 1989.

The "Framework Agreement" provides, in Article 1, that

"The two Parties undertake to settle first their territorial dispute by all political means, including conciliation, within a period of approximately one year, unless the Heads of State otherwise decide"

and in Article 2, that

"In the absence of a political settlement of their territorial dispute, the two Parties undertake:

(a) to submit the dispute to the International Court of Justice."

According to the notification, the Court would be required:

"In further implementation of the Accord-Cadre [Framework Agreement], and taking into account the territorial dispute between the Parties, to decide upon the limits of their respective territories in accordance with the rules of international law applicable in the matter."

On 3 September 1990, the Republic of Chad filed in the Registry of the Court an Application instituting proceedings against the Socialist People's Libyan Arab Jamahiriya, based on Article 2 (a) of the "Framework Agreement" and subsidiarily on Article 8 of the Franco-Libyan Treaty of Friendship and Good Neighbourliness of 10 August 1955.

By that Application the Republic of Chad

"respectfully requests the Court to determine the course of the frontier between the Republic of Chad and the Libyan Arab Jamahiriya, in accordance with the principles and rules of international law applicable in the matter as between the Parties".

Subsequently, the Agent of Chad, by a letter of 28 September 1990, informed the Court, *inter alia*, that his Government had noted that "its claim coincides with that contained in the notification addressed to the Court on 31 August 1990 by the Libyan Arab Jamahiriya", and considered that

"those two notifications relate to one single case, referred to the Court in application of the Algiers Agreement, which constitutes the Special Agreement, the principal basis of the Court's jurisdiction to deal with the matter".

At a meeting between the President of the Court and the representatives of the Parties held on 24 October 1990 it was agreed between the Agents that the proceedings in the present case had in effect been instituted by two successive notifications of the Special Agreement constituted by the "Framework Agreement" of 31 August 1989, that filed by the Libyan Arab Jamahiriya on 31 August 1990, and the communication from the

Republic of Chad filed on 3 September 1990 read in conjunction with the letter from the Agent of Chad of 28 September 1990, and that the Court should determine the procedure in the case on that basis, pursuant to Article 46, paragraph 2, of the Rules of Court.

Having ascertained the views of the Parties, the Court decided by an Order of 26 October 1990 (*I.C.J. Reports 1990*, p. 149), that, as provided in Article 46, paragraph 2, of the Rules of Court, each Party should file a Memorial and a Counter-Memorial, within the same time-limit, and fixed 26 August 1991 as the time-limit for the Memorials. Both Memorials were filed within the prescribed time-limit.

Chad chose Mr. Georges M. Abi-Saab and the Libyan Arab Jamahiriya Mr. José Sette-Camara to sit as judges *ad hoc*.

On 26 August 1991 (*I.C.J. Reports 1991*, p. 44), the President of the Court, having ascertained the views of the Parties, fixed 27 March 1992 as the time-limit for the filing of the Counter-Memorials. Both Counter-Memorials were duly filed within the prescribed time-limit.

By an Order of 14 April 1992 (*I.C.J. Reports 1992*, p. 219), the Court, having ascertained the views of the Parties, decided to authorize the presentation by each Party of a Reply within the same time-limit, and fixed 14 September 1992 as the time-limit for those Replies. Both Replies were filed within the prescribed time-limit.

Oral proceedings were held from 14 June to 14 July 1993. During 19 public sittings, the Court heard statements on behalf of Libya and of Chad. A Member of the Court put a question to one of the Parties. The President of Chad, His Excellency Colonel Idriss Deby, attended the opening sitting of 14 June.

At a public sitting held on 3 February 1994, the Court delivered its Judgment (*I.C.J. Reports 1994*, p. 6), a summary of which is given below, followed by the text of the operative paragraph.

I. Review of the proceedings and statement of claims (paras. 1-21)

The Court outlined the successive stages of the proceedings as from the time the case had been brought before it (paras. 1-16) and set out the submissions of the Parties (paras. 17-21). It recalled that the proceedings had been instituted by two successive notifications of the Special Agreement constituted by the 1989 "Framework Agreement [Accord-Cadre] on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad" — the notification filed by Libya on 31 August 1990 and the communication from Chad filed on 3 September 1990, read in conjunction with the letter from the Agent of Chad of 20 September 1990.

In the light of the Parties' communications to the Court, and their submissions, the Court observed that Libya proceeded on the basis that there was no existing boundary, and asked the Court to determine one, while Chad proceeded on the basis that there was an existing boundary, and asked the Court to declare what that boundary was. Libya considered

that the case concerned a dispute regarding attribution of territory, while in Chad's view it concerned a dispute over the location of a boundary.

The Court then referred to the lines claimed by Chad and by Libya, as illustrated in the attached sketch-map No. 1 (see below, p. 169); Libya's claim was on the basis of a coalescence of rights and titles of the indigenous inhabitants, the Senoussi Order, the Ottoman Empire, Italy and Libya itself; and that of Chad was on the basis of a Treaty of Friendship and Good Neighbourliness concluded by France and Libya on 10 August 1955, or, alternatively, on French *effectivités*, either in relation to, or independently of, the provisions of earlier treaties.

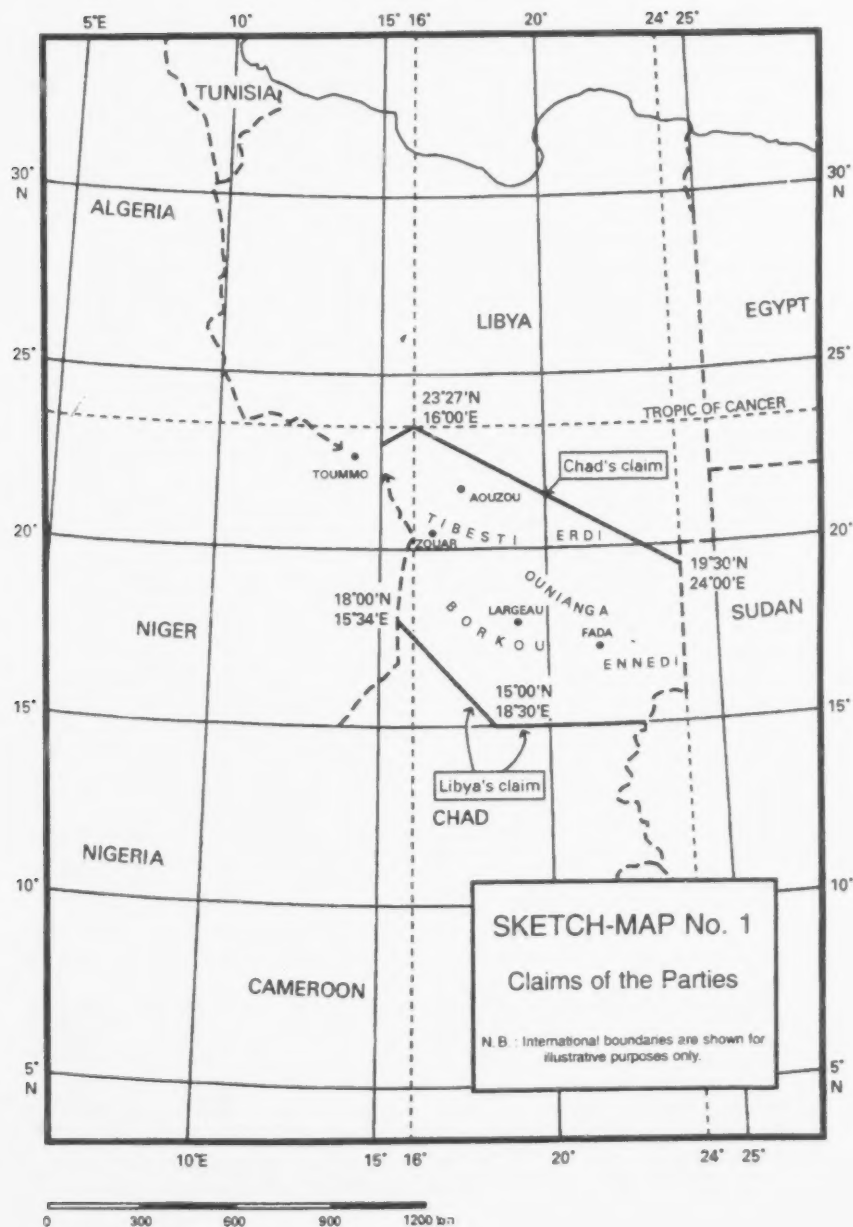
II. The 1955 Treaty of Friendship and Good Neighbourliness between France and Libya (paras. 23-56)

Having drawn attention to the long and complex historical background to the dispute and having enumerated a number of conventional instruments reflecting that history and which appeared to be relevant, the Court observed that it was recognized by both Parties that the 1955 Treaty of Friendship and Good Neighbourliness between France and Libya was the logical starting point for consideration of the issues before the Court. Neither Party questioned the validity of the 1955 Treaty, nor did Libya question Chad's right to invoke against Libya any such provisions thereof as related to the frontiers of Chad. The 1955 Treaty, a complex treaty, comprised, in addition to the Treaty itself, four appended Conventions and eight Annexes; it dealt with a broad range of issues concerning the future relationship between the two parties. It was provided by Article 9 of the Treaty that the Conventions and Annexes appended to it formed an integral part of the Treaty. One of the matters specifically addressed was the question of frontiers, dealt with in Article 3 and Annex I.

The Court then examined Article 3 of the 1955 Treaty, together with the Annex to which that Article referred, in order to decide whether or not that Treaty resulted in a conventional boundary between the territories of the Parties. It observed that if the 1955 Treaty did result in a boundary, this furnished the answer to the issues raised by the Parties: it would be a response at one and the same time to the Libyan request to determine the limits of the respective territories of the Parties and to the request of Chad to determine the course of the frontier.

Article 3 of the Treaty began as follows:

"The two High Contracting Parties recognize that the frontiers between the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa on the one hand, and the territory of Libya on the other, are those that result from the international instruments in force on the date of the constitution of the United Kingdom of Libya as listed in the attached Exchange of Letters (Ann. 1)."



Annex I to the Treaty comprised an exchange of letters which, after quoting Article 3, began as follows:

"The reference is to [*Il s'agit de*] the following texts:

- the Franco-British Convention of 14 June 1898;
- the Declaration completing the same, of 21 March 1899;
- the Franco-Italian Agreements of 1 November 1902;
- the Convention between the French Republic and the Sublime Porte, of 12 May 1910;
- the Franco-British Convention of 8 September 1919;
- the Franco-Italian Arrangement of 12 September 1919."

The Court recalled that, in accordance with the rules of general international law, reflected in Article 31 of the 1969 Vienna Convention on the Law of Treaties, a treaty had to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose. Interpretation had to be based above all upon the text of the treaty. As a supplementary measure recourse might be had to means of interpretation such as the preparatory work of the treaty and the circumstances of its conclusion.

According to Article 3 of the 1955 Treaty, the parties "*recognize* [*reconnaissent*]" that the frontiers . . . are those that result" from certain international instruments. The word "*recognize*" used in the Treaty indicates that a legal obligation is undertaken. To recognize a frontier is essentially to "*accept*" that frontier, that is, to draw legal consequences from its existence, to respect it and to renounce the right to contest it in future.

In the view of the Court, the terms of the Treaty signified that the parties thereby recognized complete frontiers between their respective territories as resulting from the combined effect of all the instruments listed in Annex I; no relevant frontier was to be left undefined and no instrument listed in Annex I was superfluous. It would be incompatible with a recognition couched in such terms to contend, as Libya had done, that only some of the specified instruments contributed to the definition of the frontier, or that a particular frontier remained unsettled. So to contend would be to deprive Article 3 of the Treaty, and Annex I, of their ordinary meaning. By entering into the Treaty, the parties recognized the frontiers to which the text of the Treaty referred; the task of the Court was thus to determine the exact content of the undertaking entered into.

The fixing of a frontier depended on the will of the sovereign States directly concerned. There was nothing to prevent the parties from deciding by mutual agreement to consider a certain line as a frontier, whatever the previous status of that line. If it was already a territorial boundary, it was confirmed purely and simply. If it was not previously a territorial boundary, the agreement of the parties to "*recognize*" it as such invested it with a legal force which it had previously lacked. International conventions and case-law evidenced a variety of ways in which such recognition

could be expressed. The fact that Article 3 of the Treaty specified that the frontiers recognized were "those that result from the international instruments" defined in Annex I meant that all of the frontiers resulted from those instruments. Any other construction would be contrary to the actual terms of Article 3 and would render completely ineffective the reference to one or other of those instruments in Annex I. Article 3 of the 1955 Treaty referred to the international instruments "*en vigueur*" (in force) on the date of the constitution of the United Kingdom of Libya, "*tels qu'ils sont définis*" (as listed) in the attached exchange of letters; Libya contended that the instruments mentioned in Annex I and relied on by Chad were no longer in force at the relevant date. The Court was unable to accept those contentions. Article 3 did not refer merely to the international instruments "*en vigueur*" (in force) on the date of the constitution of the United Kingdom of Libya, but to the international instruments "*en vigueur*" on that date "*tels qu'ils sont définis*" (as listed) in Annex I. To draw up a list of governing instruments while leaving to subsequent scrutiny the question whether they were in force would have been pointless. It was clear to the Court that the parties had agreed to consider the instruments listed as being in force for the purposes of Article 3, since otherwise they would not have referred to them in the Annex. The text of Article 3 clearly conveyed the intention of the parties to reach a definitive settlement of the question of their common frontiers. Article 3 and Annex I were intended to define frontiers by reference to legal instruments which would yield the course of such frontiers. Any other construction would have been contrary to one of the fundamental principles of interpretation of treaties, consistently upheld by international jurisprudence, namely that of effectiveness.

The object and purpose of the Treaty as stated in the Preamble confirmed the interpretation of the Treaty given above, inasmuch as that object and purpose led naturally to the definition of the territory of Libya, and thus the definition of its boundaries.

The conclusions which the Court had reached were further reinforced by an examination of the context of the Treaty, and, in particular, of the Convention of Good Neighbourliness between France and Libya, concluded between the Parties at the same time as the Treaty, as well as by the *travaux préparatoires*.

III. The frontier line (paras. 57-65)

Having concluded that the contracting parties wished, by the 1955 Treaty, and particularly by its Article 3, to define their common frontier, the Court examined what was the frontier between Libya and Chad which resulted from the international instruments listed in Annex I.

(a) To the east of the line of 16° longitude (paras 58-60)

The Franco-British Declaration of 1899, which complemented the Convention of 1898, defined a line limiting the French zone (or sphere

of influence) to the north-east in the direction of Egypt and the Nile Valley, already under British control. It provided in paragraph 3 as follows:

"It is understood, in principle, that to the north of the 15th parallel the French zone shall be limited to the north-east and east by a line which shall start from the point of intersection of the Tropic of Cancer with the 16th degree of longitude east of Greenwich (13° 40' east of Paris), shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21° 40' east of Paris), and shall then follow the 24th degree until it meets, to the north of the 15th parallel of latitude, the frontier of Darfur as it shall eventually be fixed."

Different interpretations of this text were possible, since the point of intersection of the line with the 24th degree of longitude east was not specified, and the original text of the Declaration was not accompanied by a map showing the course of the line agreed. However, a few days after the adoption of that Declaration, the French authorities published its text in a *Livre jaune* including a map. That map showed the line as running not directly south-east, but rather in an east-south-east direction, so as to terminate at approximately the intersection of the 24° meridian east with the parallel 19° of latitude north.

For the purposes of the Judgment, the question of the position of the limit of the French zone might be regarded as resolved by the Convention of 8 September 1919 signed at Paris between Great Britain and France, supplementary to the 1899 Declaration.

Its concluding paragraph provided:

"It is understood that nothing in this Convention prejudices the interpretation of the Declaration of the 21st March, 1899, according to which the words in Article 3 '... shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21° 40' east of Paris)' are accepted as meaning '... shall run thence in a south-easterly direction until it meets the 24th degree of longitude east of Greenwich at the intersection of that degree of longitude with parallel 19° 30' degrees of latitude'."

The 1919 Convention presented this line as an interpretation of the Declaration of 1899; in the view of the Court, for the purposes of the Judgment, there was no reason to categorize it either as a confirmation or as a modification of the Declaration. Inasmuch as the two States parties to the Convention were those that concluded the Declaration of 1899, there could be no doubt that the "interpretation" in question constituted, from 1919 onwards, and as between them, the correct and binding interpretation of the Declaration of 1899. It was opposable to Libya by virtue of the 1955 Treaty. For those reasons, the Court con-

cluded that the line described in the 1919 Convention represented the frontier between Chad and Libya to the east of the line of 16° longitude.

(b) *To the west of the line of 16° longitude* (paras. 61-62)

The Franco-Italian Agreements (Exchange of Letters) of 1 November 1902 stated that

"the limit to French expansion in North Africa, as referred to in the above mentioned letter . . . dated 14 December 1900, is to be taken as corresponding to the frontier of Tripolitania as shown on the map annexed to the Declaration of 21 March 1899".

The map referred to could only have been the map in the *Livre jaune*, which showed a pecked line indicating the frontier of Tripolitania. That line had therefore to be examined by the Court.

(c) *The complete line* (paras. 63-65)

It was clear that the eastern end-point of the frontier would lie on the meridian 24° east, which was at that point the boundary of the Sudan. To the west, the Court was not asked to determine the tripoint Libya-Niger-Chad; Chad in its submissions merely asked the Court to declare the course of the frontier "as far as the fifteenth degree east of Greenwich". In any event the Court's decision in this respect, as in the *Frontier Dispute* case, would "not be opposable to Niger as regards the course of that country's frontiers" (*I.C.J. Reports 1986*, p. 580, para. 50). Between 24° and 16° east of Greenwich, the line was determined by the Anglo-French Convention of 8 September 1919: i.e., the boundary was a straight line from the point of intersection of the meridian 24° east with the parallel 19° 30' north to the point of intersection of the meridian 16° east with the Tropic of Cancer. From the latter point, the line was determined by the Franco-Italian exchange of letters of 1 November 1902, by reference to the *Livre jaune* map: i.e., this line, as shown on that map, ran towards a point immediately to the south of Toummo; before it reached that point, however, it crossed the meridian 15° east, at some point on which from 1930 onwards, had been situated the commencement of the boundary between French West Africa and French Equatorial Africa. This line was confirmed by references in the Particular Convention annexed to the 1955 Treaty to a place called Muri Idie.

Chad, which in its submissions asked the Court to define the frontier as far west as the 15° meridian, had not defined the point at which in its contention the frontier intersected that meridian. Nor had the Parties indicated to the Court the exact co-ordinates of Toummo in Libya. However, on the basis of the information available, and in particular the maps produced by the Parties, the Court had come to the conclusion that the line of the *Livre jaune* map crossed the 15° meridian east at the point of intersection of that meridian with the parallel 23° of north

latitude. In that sector, the frontier was thus constituted by a straight line from the latter point to the point of intersection of the meridian 16° east with the Tropic of Cancer.

IV. Subsequent attitudes of the Parties (paras. 66-71)

Having concluded that a frontier resulted from the 1955 Treaty, and having established where that frontier lay, the Court considered the subsequent attitudes of the Parties to the question of frontiers. It found that no subsequent agreement, either between France and Libya, or between Chad and Libya, had called in question the frontier in that region deriving from the 1955 Treaty. On the contrary, if one considered treaties subsequent to the entry into force of the 1955 Treaty, there was support for the proposition that after 1955, the existence of a determined frontier had been accepted and acted upon by the Parties.

The Court then examined the attitudes of the Parties, subsequent to the 1955 Treaty, on occasions when matters pertinent to the frontiers had come up before international fora, and noted the consistency of Chad's conduct in relation to the location of its boundary.

V. Permanent boundary established (paras. 72-73)

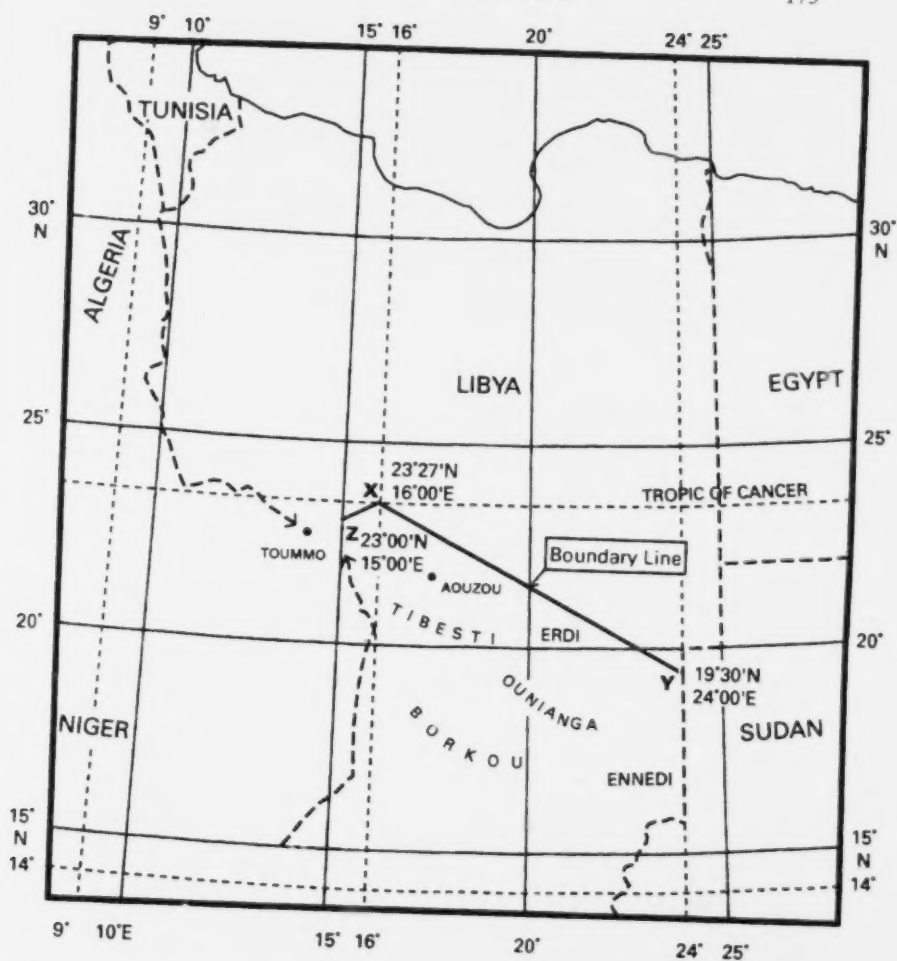
The Court finally stated that, in its view, the 1955 Treaty, notwithstanding the provisions in Article 11 to the effect that "The present Treaty is concluded for a period of 20 years", and for unilateral termination of the Treaty, had to be taken to have determined a permanent frontier. There was nothing in the 1955 Treaty to indicate that the boundary agreed was to be provisional or temporary; on the contrary it bore all the hallmarks of finality. The establishment of that boundary was a fact which, from the outset, had had a legal life of its own, independently of the fate of the 1955 Treaty. Once agreed, the boundary stood, for any other approach would have vitiated the fundamental principle of the stability of boundaries. A boundary established by treaty thus achieved a permanence which the treaty itself did not necessarily enjoy. When a boundary had been the subject of agreement, the continued existence of that boundary was not dependent upon the continuing life of the treaty under which the boundary had been agreed.

Operative paragraph (para. 77)

"THE COURT,

By 16 votes to 1,

(1) *Finds* that the boundary between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad is defined by the Treaty of Friendship and Good Neighbourliness concluded on 10 August 1955 between the French Republic and the United Kingdom of Libya;



SKETCH-MAP No. 4

Boundary Line
Determined by the
Court's Judgment

N.B. International boundaries indicated
by pecked lines are shown for
illustrative purposes only.



(2) *Finds* that the course of that boundary is as follows:

From the point of intersection of the 24th meridian east with the parallel 19° 30' of latitude north, a straight line to the point of intersection of the Tropic of Cancer with the 16th meridian east; and from that point a straight line to the point of intersection of the 15th meridian east and the parallel 23° of latitude north;

these lines are indicated, for the purpose of illustration, on sketch-map No. 4 on page 39 of this Judgment. [See above p. 175.]

IN FAVOUR: President Sir Robert Jennings; Vice-President Oda; Judges Ago, Schwebel, Bedjaoui, Ni, Evensen, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Ajibola, Herczegh; *Judge ad hoc* Abi-Saab;

AGAINST: *Judge ad hoc* Sette-Camara."

Judge Ago appended a declaration to the Judgment (*I.C.J. Reports* 1994, p. 43); Judges Shahabuddeen and Ajibola appended separate opinions (*ibid.*, pp. 44-50 and 51-92); Judge *ad hoc* Sette-Camara appended a dissenting opinion (*ibid.*, pp. 93-103).

4. *East Timor (Portugal v. Australia)*

On 22 February 1991 the Government of the Portuguese Republic filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning "certain activities of Australia with respect to East Timor".

In order to establish the basis of the Court's jurisdiction, Portugal referred, in its Application, to the declarations made by the two States under Article 36, paragraph 2, of the Statute of the Court.

In the Application the claim was made that Australia, by negotiating, with Indonesia, an "agreement relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap'", signed on 11 December 1989, by the "ratification, and the initiation of the performance" of that agreement, by the "related internal legislation", by the "negotiation of the delimitation of that shelf", and by the "exclusion of any negotiation on those matters with Portugal", had caused "particularly serious legal and moral damage to the people of East Timor and to Portugal, which will become material damage also if the exploitation of hydrocarbon resources begins".

Portugal requested the Court:

"(1) To adjudge and declare that, first, the rights of the people of East Timor to self-determination, to territorial integrity and unity (as defined in paragraphs 5 and 6 of the present Application) and to permanent sovereignty over its wealth and natural resources and, secondly, the duties, powers and rights of Portugal as the administering Power of the Territory of East Timor are opposable to Australia, which is under an obligation not to disregard them, but to respect them.

(2) To adjudge and declare that Australia, inasmuch as in the first place it has negotiated, concluded and initiated performance of the agreement referred to in paragraph 18 of the statement of facts, has taken internal legislative measures for the application thereof, and is continuing to negotiate, with the State party to that agreement, the delimitation of the continental shelf in the area of the 'Timor Gap'; and inasmuch as it has furthermore excluded any negotiation with the administering Power with respect to the exploration and exploitation of the continental shelf in that same area; and, finally, inasmuch as it contemplates exploring and exploiting the subsoil of the sea in the 'Timor Gap' on the basis of a plurilateral title to which Portugal is not a party (each of these facts sufficing on its own):

- (a) has infringed and is infringing the right of the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural wealth and resources, and is in breach of the obligation not to disregard but to respect that right, that integrity and that sovereignty;
- (b) has infringed and is infringing the powers of Portugal as the administering Power of the Territory of East Timor, is impeding the fulfilment of its duties to the people of East Timor and to the international community, is infringing the right of Portugal to fulfil its responsibilities and is in breach of the obligation not to disregard but to respect those powers and duties and that right;
- (c) is contravening Security Council resolutions 384 and 389 and, as a consequence, is in breach of the obligation to accept and carry out Security Council resolutions laid down by Article 25 of the Charter of the United Nations and, more generally, is in breach of the obligation incumbent on member States to co-operate in good faith with the United Nations;

(3) To adjudge and declare that, inasmuch as it has excluded and is excluding any negotiation with Portugal as the administering Power of the Territory of East Timor, with respect to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap', Australia has failed and is failing in its duty to negotiate in order to harmonize the respective rights in the event of a conflict of rights or of claims over maritime areas.

(4) To adjudge and declare that, by the breaches indicated in paragraphs 2 and 3 of the present submissions, Australia has incurred international responsibility and has caused damage, for which it owes reparation to the people of East Timor and to Portugal, in such form and manner as may be indicated by the Court.

(5) To adjudge and declare that Australia is bound, in relation to the people of East Timor, to Portugal and to the international community, to cease from all breaches of the rights and international

norms referred to in paragraphs 1, 2 and 3 of the present submissions and in particular, until such time as the people of East Timor shall have exercised its right to self-determination, under the conditions laid down by the United Nations:

- (a) to refrain from any negotiation, signature or ratification of any agreement with a State other than the administering Power concerning the delimitation, and the exploration and exploitation, of the continental shelf, or the exercise of jurisdiction over that shelf, in the area of the 'Timor Gap';
- (b) to refrain from any act relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap' or to the exercise of jurisdiction over that shelf, on the basis of any plurilateral title to which Portugal, as the administering Power of the Territory of East Timor, is not a party."

By an Order of 3 May 1991 (*I.C.J. Reports 1991*, p. 9), the President of the Court, having ascertained the views of the Parties at a meeting with their Agents held on 2 May 1991, fixed the following time-limits: 18 November 1991 for the filing of the Portuguese Memorial and 1 June 1992 for the Australian Counter-Memorial. Both the Memorial and Counter-Memorial were filed within the prescribed time-limits.

Portugal chose Mr. Antonio de Arruda Ferrer-Correia and Australia Sir Ninian Stephen to sit as judges *ad hoc*. By letter received on 14 July 1994, Mr. Antonio de Arruda Ferrer-Correia resigned as a judge *ad hoc*.

By an Order of 19 June 1992 (*I.C.J. Reports 1992*, p. 228), the Court, having ascertained the views of the Parties, fixed 1 December 1992 as the time-limit for the filing of a Reply by Portugal and 1 June 1993 for the filing of a Rejoinder by Australia. The Reply was filed within the prescribed time-limit.

Australia filed its Rejoinder following an Order of 19 May 1993 (*I.C.J. Reports 1993*, p. 32) by which the President of the Court, upon the request of Australia and after Portugal had indicated that it had no objection, had extended the time-limit for the filing of that Rejoinder to 1 July 1993.

5. *Maritime Delimitation between Guinea-Bissau and Senegal* (*Guinea-Bissau v. Senegal*)

On 12 March 1991, the Government of the Republic of Guinea-Bissau filed in the Registry of the Court an Application instituting proceedings against the Republic of Senegal in a dispute concerning the delimitation of all the maritime territories between the two States. Guinea-Bissau cited as bases for the Court's jurisdiction the declarations made by both States under Article 36, paragraph 2, of the Statute.

In its Application, Guinea-Bissau recalled that, by an Application dated 23 August 1989, it referred to the Court a dispute concerning the

existence and validity of the Arbitral Award made on 31 July 1989 by the Arbitration Tribunal formed to determine the maritime boundary between the two States.

Guinea-Bissau claimed that the objective of the request laid before the Arbitration Tribunal was the delimitation of the maritime territories appertaining respectively to one and the other State. According to Guinea-Bissau, the decision of the Arbitration Tribunal of 31 July 1989, however, did not make it possible to draw a definitive delimitation of all the maritime areas over which the Parties had rights. Moreover, whatever the outcome of the proceedings pending before the Court, a real and definitive delimitation of all the maritime territories between the two States would still not be realized.

The Government of Guinea-Bissau asked the Court to adjudge and declare:

"What should be, on the basis of the international law of the sea and of all the relevant elements of the case, including the future decision of the Court in the case concerning the Arbitral 'award' of 31 July 1989, the line (to be drawn on a map) delimiting all the maritime territories appertaining respectively to Guinea-Bissau and Senegal."

In its Judgment of 12 November 1991 in the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)* (I.C.J. Reports 1991, p. 53) the Court took note of the filing of a second Application but added:

"67. . . . It has also taken note of the declaration made by the Agent of Senegal in the present proceedings, according to which one solution

'would be to negotiate with Senegal, which has no objection to this, a boundary for the exclusive economic zone or, should it prove impossible to reach an agreement, to bring the matter before the Court'.

68. Having regard to that Application and that declaration, and at the close of a long and difficult arbitral procedure and of these proceedings before the Court, the Court considers it highly desirable that the elements of the dispute that were not settled by the Arbitral Award of 31 July 1989 be resolved as soon as possible, as both Parties desire."

After the two Governments concerned had had time to study that Judgment, the President of the Court convened a meeting with the representatives of the Parties on 28 February 1992, at which however they requested that no time-limit be fixed for the initial pleadings in the case, pending the outcome of negotiations on the question of maritime delimitation; those negotiations were to continue for six months in the first instance, after which, if they had not been successful, a further meeting would be held with the President.

No indications having been received from the Parties as to the state of their negotiations, the President convened a further meeting with the Agents on 6 October 1992. The Agents stated that some progress had been made towards an agreement, and a joint request was made by the two Parties that a further period of three months, with a possible further extension of three months, be allowed for continuation of the negotiations. The President agreed to this, and expressed satisfaction at the efforts being made by the Parties to resolve their dispute by negotiation, in the spirit of the recommendation made in the Judgment of 12 November 1991.

After several exchanges of letters regarding extended time-limits, the President again convened the Agents of the Parties on 10 March 1994. At that meeting the Agents handed the President the text of an agreement entitled "Management and Co-operation Agreement between the Government of the Republic of Guinea-Bissau and the Government of the Republic of Senegal", done at Dakar on 14 October 1993 and signed by the two Heads of State. The Agreement, which provides, *inter alia*, for the joint exploitation, by the two Parties, of a "maritime zone situated between the 268° and 220° azimuths drawn from Cape Roxo" (Art. 1), and the establishment of an "International Agency for the exploitation of the zone" (Art. 4), will enter into force, according to the terms of its Article 7.

"upon conclusion of the agreement concerning the establishment and functioning of the International Agency and with the exchange of the instruments of ratification of both agreements by both States".

In letters dated 16 March 1994, addressed to the Presidents of both States, the President of the Court expressed his satisfaction and informed them that the case would be removed from the list, in accordance with the terms of the Rules of Court, as soon as the Parties had notified him of their decision to discontinue the proceedings.

6. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)

On 8 July 1991, the Government of the State of Qatar filed in the Registry of the Court an Application instituting proceedings against the Government of the State of Bahrain.

"in respect of certain existing disputes between them relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States"

Qatar claimed that its sovereignty over the Hawar islands was well founded on the basis of customary international law and applicable local practices and customs. It had therefore continuously opposed a decision announced by the British Government in 1939, during the time of the British presence in Bahrain and Qatar (which came to an end in 1971).

that the islands belonged to Bahrain. This decision was, in the view of Qatar, invalid, beyond the power of the British in relation to the two States, and not binding on Qatar.

With regard to the shoals of Dibal and Qit'at Jaradah, a further decision of the British Government in 1947 to delimit the sea-bed boundary between Bahrain and Qatar purported to recognize that Bahrain had "sovereign rights" in the areas of those shoals. In that decision the view was expressed that the shoals should not be considered to be islands having territorial waters. Qatar had claimed and continued to claim that such sovereign rights as existed over the shoals belonged to Qatar; it also considered however that these were shoals and not islands. Bahrain claimed in 1964 that Dibal and Qit'at Jaradah were islands possessing territorial waters, and belonged to Bahrain, a claim rejected by Qatar.

With regard to the delimitation of the maritime areas of the two States, in the letter informing the Rulers of Qatar and Bahrain of the 1947 decision it was stated that the British Government considered that the line divided "in accordance with equitable principles" the sea-bed between Qatar and Bahrain, and that it was a median line based generally on the configuration of the coastline of the Bahrain main island and the peninsula of Qatar. The letter further specified two exceptions. One concerned the status of the shoals; the other that of the Hawar islands.

Qatar stated that it did not oppose that part of the delimitation line which the British Government stated was based on the configuration of the coastlines of the two States and was determined in accordance with equitable principles. It had been rejecting and still rejected the claim made in 1964 by Bahrain (which had refused to accept the above-mentioned delimitation by the British Government) of a new line delimiting the sea-bed boundary of the two States. Qatar based its claims with respect to delimitation on customary international law and applicable local practices and customs.

The State of Qatar therefore requested the Court:

- I. To adjudge and declare in accordance with international law
 - (A) that the State of Qatar has sovereignty over the Hawar islands; and
 - (B) that the State of Qatar has sovereign rights over Dibal and Qit'at Jaradah shoals;
- and
- II. With due regard to the line dividing the sea-bed of the two States as described in the British Decision of 23 December 1947, to draw in accordance with international law a single maritime boundary between the maritime areas of sea-bed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain."

In the Application, Qatar founded the jurisdiction of the Court upon certain agreements between the Parties stated to have been concluded in

December 1987 and December 1990, the subject and scope of the commitment to jurisdiction being determined, according to Qatar, by a formula proposed by Bahrain to Qatar on 26 October 1988 and accepted by Qatar in December 1990.

By letters addressed to the Registrar of the Court on 14 July 1991 and 18 August 1991, Bahrain contested the basis of jurisdiction invoked by Qatar.

At a meeting held on 2 October 1991 to enable the President of the Court to ascertain their views, the Parties reached agreement as to the desirability of the proceedings being initially devoted to the questions of the Court's jurisdiction to entertain the dispute and the admissibility of the Application. The President accordingly made, on 11 October 1991, an Order (*I.C.J. Reports 1991*, p. 50) deciding that the written proceedings should first be addressed to those questions; in the same Order he fixed the following time-limits in accordance with a further agreement reached between the Parties at the meeting of 2 October: 10 February 1992 for the Memorial of Qatar, and 11 June 1992 for the Counter-Memorial of Bahrain. The Memorial and Counter-Memorial were filed within the prescribed time-limits.

By an Order of 26 June 1992 (*I.C.J. Reports 1992*, p. 237), the Court, having ascertained the views of the Parties, directed that a Reply by the Applicant and a Rejoinder by the Respondent be filed on the questions of jurisdiction and admissibility. It fixed 28 September 1992 as the time-limit for the Reply of Qatar and 29 December 1992 for the Rejoinder of Bahrain. Both the Reply and the Rejoinder were filed within the prescribed time-limits.

Qatar chose Mr. Jose Maria Ruda and Bahrain Mr. Nicolas Valticos to sit as judges *ad hoc*.

Public sittings were held from 28 February to 11 March 1994. In the course of eight public sittings, the Court heard statements on behalf of Qatar and Bahrain. The Vice-President of the Court put questions to both the Parties.

At a public sitting held on 1 July 1994, the Court delivered a Judgment (*I.C.J. Reports 1994*, p. 112), a summary of which is given below, followed by the text of the operative paragraph.

I. History of the case (paras. 1-14)

In its Judgment the Court recalled that on 8 July 1991 the Minister for Foreign Affairs of the State of Qatar had filed in the Registry of the Court an Application instituting proceedings against the State of Bahrain in respect of certain disputes between the two States relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States.

The Court then recited the history of the case. It recalled that in its Application Qatar had founded the jurisdiction of the Court upon two

agreements between the Parties stated to have been concluded in December 1987 and December 1990 respectively, the subject and scope of the commitment to jurisdiction being determined, according to the Applicant, by a formula proposed by Bahrain to Qatar on 26 October 1988 and accepted by Qatar in December 1990. Bahrain had contested the basis of jurisdiction invoked by Qatar.

The Court then referred to the different stages of the proceedings before it and to the submissions of the Parties.

II. Summary of the circumstances in which a solution to the dispute between Bahrain and Qatar had been sought over the past two decades (paras. 15-20)

Endeavours to find a solution to the dispute took place in the context of a mediation, sometimes referred to as "good offices", beginning in 1976, by the King of Saudi Arabia with the agreement of the Amirs of Bahrain and Qatar, which led, during a tripartite meeting in March 1983, to the approval of a set of "Principles for the Framework for Reaching a Settlement". The first of those principles specified that

"All issues of dispute between the two countries, relating to sovereignty over the islands, maritime boundaries and territorial waters, are to be considered as complementary, indivisible issues, to be solved comprehensively together."

Subsequently, in 1987, the King of Saudi Arabia sent the Amirs of Qatar and Bahrain letters in identical terms, in which he put forward new proposals. The Saudi proposals which were adopted by the two Heads of State, included four points, the first of which was that

"All the disputed matters shall be referred to the International Court of Justice, at The Hague, for a final ruling binding upon both parties, who shall have to execute its terms."

The third provided for formation of a Tripartite Committee, composed of representatives of the States of Bahrain and Qatar and of the Kingdom of Saudi Arabia,

"for the purpose of approaching the International Court of Justice, and satisfying the necessary requirements to have the dispute submitted to the Court in accordance with its regulations and instructions so that a final ruling, binding upon both parties, be issued".

Then, in 1988, following an initiative by Saudi Arabia, the Heir Apparent of Bahrain, when on a visit to Qatar, transmitted to the Heir Apparent of Qatar a text (subsequently known as the "Bahraini formula") which read as follows:

"Question"

The Parties request the Court to decide any matter of territorial right or other title or interest which may be a matter of difference between them; and to draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters."

The matter had again been the subject of discussion two years later, on the occasion of the annual meeting of the Co-operation Council of Arab States of the Gulf at Doha in December 1990. Qatar had then let it be known that it was ready to accept the Bahrami formula. The minutes of the meeting which then took place stated that the two parties had reaffirmed what was agreed previously between them; had agreed to continue the good offices of King Fahd of Saudi Arabia until May 1991; that after this period, the matter might be submitted to the International Court of Justice in accordance with the Bahrami formula, while Saudi Arabia's good offices would continue during the submission of the matter to arbitration; and that, should a brotherly solution acceptable to the two parties be reached, the case would be withdrawn from arbitration.

The good offices of King Fahd did not lead to the desired outcome within the time-limit thus fixed, and on 8 July 1991 Qatar instituted proceedings before the Court against Bahrain.

According to Qatar, the two States: "have made express commitments in the Agreements of December 1987 . . . and December 1990 . . . to refer their disputes to the . . . Court". Qatar therefore considered that the Court had been enabled "to exercise jurisdiction to adjudicate upon those disputes" and, as a consequence, upon the Application of Qatar.

Bahrain maintained on the contrary that the 1990 Minutes did not constitute a legally binding instrument. It went on to say that, in any event, the combined provisions of the 1987 exchanges of letters and of the 1990 Minutes were not such as to enable Qatar to seise the Court unilaterally and concluded that the Court lacked jurisdiction to deal with the Application of Qatar.

III. The nature of the exchanges of letters of 1987 and of the 1990 Doha Minutes (paras. 21-30)

The Court began by enquiring into the nature of the texts upon which Qatar relied before turning to an analysis of the content of those texts. It observed that the Parties agreed that the exchanges of letters of December 1987 constituted an international agreement with binding force in their mutual relations, but that Bahrain maintained that the Minutes of 25 December 1990 were no more than a simple record of negotiations, similar in nature to the Minutes of the Tripartite Committee; that accordingly they did not rank as an international agreement and could not, therefore, serve as a basis for the jurisdiction of the Court.

After examining the 1990 Minutes (see above) the Court observed

that they were not a simple record of a meeting, similar to those drawn up within the framework of the Tripartite Committee; they did not merely give an account of discussions and summarize points of agreement and disagreement. They enumerated the commitments to which the Parties had consented. They thus created rights and obligations in international law for the Parties. They constituted an international agreement.

Bahrain maintained that the signatories of the 1990 Minutes never intended to conclude an agreement of that kind. The Court did not however find it necessary to consider what might have been, in that regard, the intentions of the Foreign Minister of Bahrain or, for that matter, those of the Foreign Minister of Qatar. Nor did it accept Bahrain's contention that the subsequent conduct of the Parties showed that they had never considered the 1990 Minutes to be an agreement of this kind.

IV. The content of the exchanges of letters of 1987 and of the 1990 Doha Minutes (paras. 31-39)

Turning to an analysis of the content of these texts, and of the rights and obligations to which they gave rise, the Court first observed that, by the exchanges of letters of December 1987 (see above, p. 183), Bahrain and Qatar had entered into an undertaking to refer all the disputed matters to the Court and to determine, with the assistance of Saudi Arabia (in the Tripartite Committee), the way in which the Court was to be seised in accordance with the undertaking thus given.

The question of the determination of the "disputed matters" was only settled by the Minutes of December 1990. Those Minutes placed on record the fact that Qatar had finally accepted the Bahraini formula. Both Parties thus accepted that the Court, once seised, should decide "any matter of territorial right or other title or interest which may be a matter of difference between [the Parties]"; and should "draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters".

The formula thus adopted determined the limits of the dispute with which the Court would be asked to deal. It was devised to circumscribe that dispute, but, whatever the manner of seisin, it left open the possibility for each of the Parties to present its own claims to the Court, within the framework thus fixed. However, while the Bahraini formula permitted the presentation of distinct claims by each of the Parties, it nonetheless presupposed that the whole of the dispute would be submitted to the Court.

The Court noted that at present it had before it solely an Application by Qatar setting out the particular claims of that State within the framework of the Bahraini formula. Article 40 of the Court's Statute provided that when cases were brought before the Court "the subject of the dispute and the parties shall be indicated". In the instant case the identity of the

parties presented no difficulty, but the subject of the dispute was another matter.

In the view of Bahrain the Qatar Application comprised only some of the elements of the subject-matter intended to be comprised in the Bahraini formula and that had in effect been acknowledged by Qatar.

The Court consequently decided to afford the Parties the opportunity to ensure the submission to the Court of the whole of the dispute as it was comprehended within the 1990 Minutes and the Bahraini formula, to which they had both agreed. The Parties might do so by a joint act or by separate acts; the result should in any case be that the Court had before it "any matter of territorial right or other title or interest which may be a matter of difference between" the Parties, and a request that it "draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters".

Operative paragraph (para. 41)

"THE COURT,

(1) By 15 votes to 1,

Finds that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Amir of Bahrain dated 19 and 26 December 1987, and the document headed 'Minutes' and signed at Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, are international agreements creating rights and obligations for the Parties;

IN FAVOUR: President Bedjaoui, Vice-President Schwebel, Judges Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges *ad hoc* Valticos, Ruda;

AGAINST: Judge Oda.

(2) By 15 votes to 1,

Finds that by the terms of those agreements the Parties have undertaken to submit to the Court the whole of the dispute between them, as circumscribed by the text proposed by Bahrain to Qatar on 26 October 1988, and accepted by Qatar in December 1990, referred to in the 1990 Doha Minutes as the 'Bahraini formula';

IN FAVOUR: President Bedjaoui, Vice-President Schwebel, Judges Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges *ad hoc* Valticos, Ruda;

AGAINST: Judge Oda.

(3) By 15 votes to 1.

Decides to afford the Parties the opportunity to submit to the Court the whole of the dispute.

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges *ad hoc* Valticos, Ruda;

AGAINST: Judge Oda.

(4) By 15 votes to 1.

Fixes 30 November 1994 as the time-limit within which the Parties are, jointly or separately, to take action to this end;

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges *ad hoc* Valticos, Ruda;

AGAINST: Judge Oda.

(5) By 15 votes to 1.

Reserves any other matters for subsequent decision.

IN FAVOUR: President Bedjaoui; Vice-President Schwebel; Judges Sir Robert Jennings, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma; Judges *ad hoc* Valticos, Ruda;

AGAINST: Judge Oda."

*

Judge Shahabuddeen appended a declaration to the Judgment (*I.C.J. Reports* 1994, p. 129); Vice-President Schwebel and Judge *ad hoc* Valticos appended separate opinions (*ibid.*, pp. 130-131 and 132); and Judge Oda appended a dissenting opinion (*ibid.*, pp. 133-149).

7-8 Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom and Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America))

On 3 March 1992 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court two separate Applications instituting proceedings against the Government of the United Kingdom of Great Britain and Northern Ireland and against the United States of America in respect of a dispute over the interpretation and application of the Montreal Convention of 23 September 1971, a dispute arising from acts resulting in the aerial incident that occurred over Lockerbie, Scotland, on 21 December 1988.

In the Applications, Libya referred to the charging and indictment of two Libyan nationals by the Lord Advocate of Scotland and by a Grand Jury of the United States, respectively, with having caused a bomb to be placed aboard Pan Am flight 103. The bomb subsequently exploded, causing the aeroplane to crash, and all persons aboard were killed.

Libya pointed out that the acts alleged constituted an offence within the meaning of Article 1 of the Montreal Convention, which it claimed to be the only appropriate convention in force between the Parties, and claimed that it had fully complied with its own obligations under that instrument, Article 5 of which required a State to establish its own jurisdiction over alleged offenders present in its territory in the event of their non-extradition: there was no extradition treaty between Libya and the respective other Parties, and Libya was obliged under Article 7 of the Convention to submit the case to its competent authorities for the purpose of prosecution.

Libya contended that the United Kingdom and the United States were in breach of the Montreal Convention through rejection of its efforts to resolve the matter within the framework of international law, including the Convention itself, in that they were placing pressure upon Libya to surrender the two Libyan nationals for trial.

According to the Applications, it had not been possible to settle by negotiation the disputes that had thus arisen, neither had the Parties been able to agree upon the organization of an arbitration to hear the matter. The Libyan Arab Jamahiriya therefore submitted the disputes to the Court on the basis of Article 14, paragraph 1, of the Montreal Convention.

Libya requested the Court to adjudge and declare as follows:

- (a) that Libya has fully complied with all of its obligations under the Montreal Convention;
- (b) that the United Kingdom and the United States respectively have breached, and are continuing to breach, their legal obligations to Libya under Articles 5 (2), 5 (3), 7, 8 (2) and 11 of the Montreal Convention; and
- (c) that the United Kingdom and the United States respectively are under a legal obligation immediately to cease and desist from such breaches and from the use of any and all force or threats against Libya, including the threat of force against Libya, and from all violations of the sovereignty, territorial integrity, and the political independence of Libya.

Later the same day, Libya made two separate requests to the Court to indicate forthwith the following provisional measures:

- (a) to enjoin the United Kingdom and the United States respectively from taking any action against Libya calculated to coerce or compel Libya to surrender the accused individuals to any jurisdiction outside of Libya; and
- (b) to ensure that no steps are taken that would prejudice in any way

the rights of Libya with respect to the legal proceedings that are the subject of Libya's Applications.

In those requests Libya also requested the President, pending the meeting of the Court, to exercise the power conferred on him by Article 74, paragraph 4, of the Rules of Court, to call upon the Parties to act in such a way as to enable any Order the Court might make on Libya's request for provisional measures to have its appropriate effects.

By a letter of 6 March 1992, the Legal Adviser of the United States Department of State, referring to the specific request made by Libya under Article 74, paragraph 4, of the Rules of Court, in its request for the indication of provisional measures, stated *inter alia* that

"taking into account both the absence of any concrete showing of urgency relating to the request and developments in the ongoing action by the Security Council and the Secretary-General in this matter . . . the action requested by Libya . . . is unnecessary and could be misconstrued".

Libya chose Mr. Ahmed S. El-Kosheri to sit as judge *ad hoc*.

At the opening of the hearings on the request for the indication of provisional measures, on 26 March 1992, the Vice-President of the Court, exercising the functions of the presidency in the case, referred to the request made by Libya under Article 74, paragraph 4, of the Rules of Court and stated that, after the most careful consideration of all the circumstances then known to him, he had come to the conclusion that it would not be appropriate for him to exercise the discretionary power conferred on the President by that provision. At five public sittings held on 26, 27 and 28 March 1992, both Parties in each of the two cases presented oral arguments on the request for the indication of provisional measures. A Member of the Court put questions to both Agents in each of the two cases and the Judge *ad hoc* put a question to the Agent of Libya.

At a public sitting held on 14 April 1992, the Court read the two Orders on the requests for indication of provisional measures filed by Libya (*I.C.J. Reports 1992*, pp. 3 and 114), in which it found that the circumstances of the cases were not such as to require the exercise of its power to indicate such measures.

Acting President Oda (*ibid.*, pp. 17-19 and 129-131) and Judge Ni (*ibid.*, pp. 20-23 and 132-135) each appended a declaration to the Orders of the Court; Judges Evensen, Tarassov, Guillaume and Aguilar Mawdsley appended a joint declaration (*ibid.*, pp. 24-25 and 136-137), Judges Lachs (*ibid.*, pp. 26-27 and 138-139) and Shahabuddeen (*ibid.*, pp. 28-32 and 140-142) appended separate opinions; and Judges Bedjaoui (*ibid.*, pp. 33-49 and 143-159), Weeramantry (*ibid.*, pp. 50-71 and 160-181), Ranjeva (*ibid.*, pp. 72-77 and 182), Ajibola (*ibid.*, pp. 78-93 and 183-198) and Judge *ad hoc* El-Kosheri (*ibid.*, pp. 94-112 and 199-217) appended dissenting opinions to the Orders.

By Orders of 19 June 1992 (*I.C.J. Reports 1992*, pp. 231 and 234), the Court, taking into account that the length of time-limits had been agreed by the Parties at a meeting held on 5 June 1992 with the Vice-President of the Court, exercising the function of the presidency in the two cases, fixed 20 December 1993 as the time-limit for the filing of the Memorial of Libya and 20 June 1995 for the filing of the Counter-Memorials of the United Kingdom and the United States of America. The Memorial was filed within the prescribed time-limit.

9. *Oil Platforms (Islamic Republic of Iran v. United States of America)*

On 2 November 1992 the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America with respect to the destruction of Iranian oil platforms.

The Islamic Republic founded the jurisdiction of the Court for the purposes of these proceedings on Article XXI (2) of the Treaty of Amity, Economic Relations and Consular Rights between the United States of America and Iran, signed at Tehran on 15 August 1955.

In its Application Iran alleged that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. In this connection Iran referred in particular to Articles I and X(1) of the Treaty which provide respectively: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran", and "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation".

The Islamic Republic accordingly requested the Court to adjudge and declare as follows:

- "(a) that the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by the Islamic Republic;
- (b) that in attacking and destroying the oil platforms referred to in the Application on 19 October 1987 and 18 April 1988, the United States breached its obligations to the Islamic Republic, *inter alia*, under Article I and X(1) of the Treaty of Amity and international law;
- (c) that in adopting a patently hostile and threatening attitude towards the Islamic Republic that culminated in the attack and destruction of the Iranian oil platforms, the United States breached the object and purpose of the Treaty of Amity, including Articles I and X(1), and international law;
- (d) that the United States is under an obligation to make reparations to the Islamic Republic for the violation of its international legal obligations in an amount to be determined by the

Court at a subsequent stage of the proceedings. The Islamic Republic reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the United States; and

(e) any other remedy the Court may deem appropriate."

By an Order of 4 December 1992 (*I.C.J. Reports 1992*, p. 763), the President of the Court, taking into account an agreement of the Parties, fixed 31 May 1993 as the time-limit for the filing of the Memorial of Iran and 30 November 1993 for the filing of the Counter-Memorial of the United States.

By an Order of 3 June 1993 (*I.C.J. Reports 1993*, p. 35), the President of the Court, upon the request of Iran and after the United States had indicated that it had no objection, extended those time-limits to 8 June and 16 December 1993, respectively. The Memorial was filed within the prescribed time-limit.

The Islamic Republic of Iran chose Mr. François Rigaux to sit as judge *ad hoc*.

On 16 December 1993, within the extended time-limit for filing the Counter-Memorial, the United States of America filed certain preliminary objections to the Court's jurisdiction. In accordance with the terms of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended; by an Order of 18 January 1994 (*I.C.J. Reports 1994*, p. 3), the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

10. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))

On 20 March 1993, the Republic of Bosnia and Herzegovina filed in the Registry of the Court an Application instituting proceedings against Yugoslavia (Serbia and Montenegro) "for violating the Genocide Convention".

The Application referred to several provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, as well as of the Charter of the United Nations, which Bosnia and Herzegovina alleged were violated by Yugoslavia (Serbia and Montenegro). It also referred in this respect to the four Geneva Conventions of 1949 and their Additional Protocol I of 1977, to the Hague Regulations on Land Warfare of 1907, and to the Universal Declaration of Human Rights.

The Application referred to Article IX of the Genocide Convention as the basis for the jurisdiction of the Court.

In the Application, Bosnia and Herzegovina requested the Court to adjudge and declare:

- (a) that Yugoslavia (Serbia and Montenegro) has breached, and is continuing to breach, its legal obligations toward the People and State of Bosnia and Herzegovina under Articles I, II (a), II (b), II (c), II (d), III (a), III (b), III (c), III (d), III (e), IV and V of the Genocide Convention;
- (b) that Yugoslavia (Serbia and Montenegro) has violated and is continuing to violate its legal obligations toward the People and State of Bosnia and Herzegovina under the four Geneva Conventions of 1949, their Additional Protocol I of 1977, the customary international laws of war including the Hague Regulations on Land Warfare of 1907, and other fundamental principles of international humanitarian law;
- (c) that Yugoslavia (Serbia and Montenegro) has violated and continues to violate Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 28 of the Universal Declaration of Human Rights with respect to the citizens of Bosnia and Herzegovina;
- (d) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina, and is continuing to do so;
- (e) that in its treatment of the citizens of Bosnia and Herzegovina, Yugoslavia (Serbia and Montenegro) has violated, and is continuing to violate, its solemn obligations under Articles 1 (3), 55 and 56 of the United Nations Charter;
- (f) that Yugoslavia (Serbia and Montenegro) has used and is continuing to use force and the threat of force against Bosnia and Herzegovina in violation of Articles 2 (1), 2 (2), 2 (3), 2 (4), and 33 (1), of the United Nations Charter;
- (g) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has used and is using force and the threat of force against Bosnia and Herzegovina;
- (h) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has violated and is violating the sovereignty of Bosnia and Herzegovina by:
 - armed attacks against Bosnia and Herzegovina by air and land;
 - aerial trespass into Bosnian airspace;
 - efforts by direct and indirect means to coerce and intimidate the Government of Bosnia and Herzegovina;
- (i) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has intervened and is intervening in the internal affairs of Bosnia and Herzegovina.

- (j) that Yugoslavia (Serbia and Montenegro), in recruiting, training, arming, equipping, financing, supplying and otherwise encouraging, supporting, aiding, and directing military and paramilitary actions in and against Bosnia and Herzegovina by means of its agents and surrogates, has violated and is violating its express charter and treaty obligations to Bosnia and Herzegovina and, in particular, its charter and treaty obligations under Article 2 (4) of the United Nations Charter, as well as its obligations under general and customary international law;
- (k) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right to defend itself and its People under United Nations Charter Article 51 and customary international law, including by means of immediately obtaining military weapons, equipment, supplies and troops from other States;
- (l) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right under United Nations Charter Article 51 and customary international law to request the immediate assistance of any State to come to its defence, including by military means (weapons, equipment, supplies, troops, etc.);
- (m) that Security Council resolution 713 (1991), imposing a weapons embargo upon the former Yugoslavia, must be construed in a manner that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;
- (n) that all subsequent Security Council resolutions that refer to or reaffirm resolution 713 (1991) must be construed in a manner that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;
- (o) that Security Council resolution 713 (1991) and all subsequent Security Council resolutions referring thereto or reaffirming thereof must not be construed to impose an arms embargo upon Bosnia and Herzegovina, as required by Articles 24 (1) and 51 of the United Nations Charter and in accordance with the customary doctrine of *ultra vires*;
- (p) that pursuant to the right of collective self-defence recognized by United Nations Charter Article 51, all other State parties to the Charter have the right to come to the immediate defence of Bosnia and Herzegovina – at its request – including by means of immediately providing it with weapons, military equipment and supplies, and armed forces (soldiers, sailors, air-people, etc.);

(q) that Yugoslavia (Serbia and Montenegro) and its agents and surrogates are under an obligation to cease and desist immediately from its breaches of the foregoing legal obligations, and is under a particular duty to cease and desist immediately:

- from its systematic practice of so-called 'ethnic cleansing' of the citizens and sovereign territory of Bosnia and Herzegovina;
- from the murder, summary execution, torture, rape, kidnapping, mayhem, wounding, physical and mental abuse, and detention of the citizens of Bosnia and Herzegovina;
- from the wanton devastation of villages, towns, districts, cities, and religious institutions in Bosnia and Herzegovina;
- from the bombardment of civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from continuing the siege of any civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from the starvation of the civilian population in Bosnia and Herzegovina;
- from the interruption of, interference with, or harassment of humanitarian relief supplies to the citizens of Bosnia and Herzegovina by the international community;
- from all use of force - whether direct or indirect, overt or covert - against Bosnia and Herzegovina, and from all threats of force against Bosnia and Herzegovina;
- from all violations of the sovereignty, territorial integrity or political independence of Bosnia and Herzegovina, including all intervention, direct or indirect, in the internal affairs of Bosnia and Herzegovina;
- from all support of any kind - including the provision of training, arms, ammunition, finances, supplies, assistance, direction or any other form of support - to any nation, group, organization, movement or individual engaged or planning to engage in military or paramilitary actions in or against Bosnia and Herzegovina.

(r) that Yugoslavia (Serbia and Montenegro) has an obligation to pay Bosnia and Herzegovina, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property as well as to the Bosnian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court. Bosnia and Herzegovina reserves the right to introduce to the Court a precise evaluation of the damages caused by Yugoslavia (Serbia and Montenegro)."

On the same day, the Government of Bosnia and Herzegovina, stating that:

"The overriding objective of this Request is to prevent further loss of human life in Bosnia and Herzegovina".

and that:

"The very lives, well-being, health, safety, physical, mental and bodily integrity, homes, property and personal possessions of hundreds of thousands of people in Bosnia and Herzegovina are right now at stake, hanging in the balance, awaiting the order of this Court".

filed a request for the indication of provisional measures under Article 41 of the Statute of the Court.

The provisional measures requested were as follows:

"1. That Yugoslavia (Serbia and Montenegro), together with its agents and surrogates in Bosnia and elsewhere, must immediately cease and desist from all acts of genocide and genocidal acts against the People and State of Bosnia and Herzegovina, including but not limited to murder, summary executions; torture; rape; mayhem; so-called 'ethnic cleansing'; the wanton devastation of villages, towns, districts and cities; the siege of villages, towns, districts and cities; the starvation of the civilian population; the interruption of, interference with, or harassment of humanitarian relief supplies to the civilian population by the international community; the bombardment of civilian population centres; and the detention of civilians in concentration camps or otherwise.

2. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any nation, group, organization, movement, militia or individual engaged in or planning to engage in military or paramilitary activities in or against the People, State and Government of Bosnia and Herzegovina.

3. That Yugoslavia (Serbia and Montenegro) itself must immediately cease and desist from any and all types of military or paramilitary activities by its own officials, agents, surrogates, or forces in or against the People, State and Government of Bosnia and Herzegovina, and from any other use or threat of force in its relations with Bosnia and Herzegovina.

4. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to seek and receive support from other States in order to defend itself and its People, including by means of immediately obtaining military weapons, equipment and supplies.

5. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to request the immediate assistance of any State to come to its defence, including by means

of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, airpeople, etc.).

6. That under the current circumstances, any State has the right to come to the immediate defence of Bosnia and Herzegovina – at its request – including by means of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, and airpeople, etc.).”

Hearings on the request for the indication of provisional measures were held on 1 and 2 April 1993. At two public sittings the Court heard the oral observations of each of the Parties. A Member of the Court put a question to both Agents.

At a public sitting held on 8 April 1993, the President of the Court read the Order on the request for provisional measures made by Bosnia and Herzegovina (*I.C.J. Reports 1993*, p. 3), the operative paragraph of which reads as follows:

Operative paragraph (para. 52)

“52. For these reasons,

THE COURT,

Indicates, pending its final decision in the proceedings instituted on 20 March 1993 by the Republic of Bosnia and Herzegovina against the Federal Republic of Yugoslavia (Serbia and Montenegro), the following provisional measures:

A. (1) Unanimously,

The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide;

(2) By 13 votes to 1,

The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnical, racial or religious group.

IN FAVOUR: President Sir Robert Jennings, Vice-President Oda, Judges Ago, Schwebel, Bedjaoui, Ni Eversen, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ranjeva, Abola,

AGAINST: Judge TARASSOV.

B. Unanimously,

The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution."

Judge Tarassov appended a declaration to the Order (*I.C.J. Reports 1993*, pp. 26-27).

By an Order of 16 April 1993 (*I.C.J. Reports 1993*, p. 29), the President of the Court, taking into account an agreement of the Parties, fixed 15 October 1993 as the time-limit for the filing of the Memorial of Bosnia and Herzegovina and 15 April 1994 for the filing of the Counter-Memorial of Yugoslavia (Serbia and Montenegro).

Bosnia and Herzegovina chose Mr. Elihu Lauterpacht and Yugoslavia (Serbia and Montenegro) Mr. Milenko Kreća to sit as judges *ad hoc*.

On 27 July 1993 the Republic of Bosnia and Herzegovina filed a second request for the indication of provisional measures, stating that:

"This extraordinary step is being taken because the Respondent has violated each and every one of the three measures of protection on behalf of Bosnia and Herzegovina that were indicated by this Court on 8 April 1993, to the grave detriment of both the People and State of Bosnia and Herzegovina. In addition to continuing its campaign of genocide against the Bosnian People – whether Muslim, Christian, Jew, Croat or Serb – the Respondent is now planning, preparing, conspiring to, proposing, and negotiating the partition, dismemberment, annexation and incorporation of the sovereign State of Bosnia and Herzegovina – a Member of the United Nations Organization – by means of genocide."

The provisional measures then requested were as follows:

"1. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any nation, group, organization, movement, military, militia or paramilitary force, irregular armed unit, or individual in Bosnia and Herzegovina for any reason or purpose whatsoever.

2. That Yugoslavia (Serbia and Montenegro) and all of its public officials – including and especially the President of Serbia, Mr. Slobodan Milosevic – must immediately cease and desist from any

and all efforts, plans, plots, schemes, proposals or negotiations to partition, dismember, annex or incorporate the sovereign territory of Bosnia and Herzegovina.

3. That the annexation or incorporation of any sovereign territory of the Republic of Bosnia and Herzegovina by Yugoslavia (Serbia and Montenegro) by any means or for any reason shall be deemed illegal, null, and void *ab initio*.

4. That the Government of Bosnia and Herzegovina must have the means 'to prevent' the commission of acts of genocide against its own People as required by Article I of the Genocide Convention.

5. That all Contracting Parties to the Genocide Convention are obliged by Article I thereof 'to prevent' the commission of acts of genocide against the People and State of Bosnia and Herzegovina.

6. That the Government of Bosnia and Herzegovina must have the means to defend the People and State of Bosnia and Herzegovina from acts of genocide and partition and dismemberment by means of genocide.

7. That all Contracting Parties to the Genocide Convention have the obligation thereunder 'to prevent' acts of genocide, and partition and dismemberment by means of genocide, against the People and State of Bosnia and Herzegovina.

8. That in order to fulfil its obligations under the Genocide Convention under the current circumstances, the Government of Bosnia and Herzegovina must have the ability to obtain military weapons, equipment, and supplies from other Contracting Parties.

9. That in order to fulfil their obligations under the Genocide Convention under the current circumstances, all Contracting Parties thereto must have the ability to provide military weapons, equipment, supplies and armed forces (soldiers, sailors, airpeople) to the Government of Bosnia and Herzegovina at its request.

10. That United Nations Peacekeeping Forces in Bosnia and Herzegovina (i.e., UNPROFOR) must do all in their power to ensure the flow of humanitarian relief supplies to the Bosnian People through the Bosnian city of Tuzla."

On 5 August 1993 the President of the Court addressed a message to both Parties, referring to Article 74, paragraph 4, of the Rules of Court, which enables him, pending the meeting of the Court,

"to call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects",

and stating:

"I do now call upon the Parties so to act, and I stress that the provisional measures already indicated in the Order which the Court made after hearing the Parties, on 8 April 1993, still apply.

Accordingly I call upon the Parties to take renewed note of the Court's Order and to take all and any measures that may be within their power to prevent any commission, continuance, or encouragement of the heinous international crime of genocide".

On 10 August 1993 Yugoslavia filed a request, dated 9 August 1993, for the indication of provisional measures, whereby it requested the Court to indicate the following provisional measure:

"The Government of the so-called Republic of Bosnia and Herzegovina should immediately, in pursuance of its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide against the Serb ethnic group."

The hearings concerning the further requests for the indication of provisional measures were held on 25 and 26 August 1993. In the course of two public sittings the Court heard statements from each of the Parties. Judges put questions to both Parties.

At a public sitting held on 13 September 1993, the President of the Court read out the Order concerning the further requests for the indication of provisional measures (*I.C.J. Reports 1993*, p. 325), a summary of which is given below, followed by the text of the operative paragraph.

In its Order the Court recalled that on 20 March 1993 Bosnia-Herzegovina had instituted proceedings against Yugoslavia in respect of a dispute concerning alleged violations by Yugoslavia of the Convention on the Prevention and Punishment of the Crime of Genocide. In the Application Bosnia-Herzegovina, basing the jurisdiction of the Court on Article IX of the Convention for the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter called "the Genocide Convention"), recounted a series of events in Bosnia-Herzegovina from April 1992 up to the time of the filing of that Application which, in its contention, amounted to acts of genocide within the definition given in the Genocide Convention and claimed that the acts complained of had been committed by former members of the Yugoslav People's Army (YPA) and by Serb military and paramilitary forces under the direction of, at the behest of, and with assistance from Yugoslavia, and that Yugoslavia was therefore fully responsible under international law for their activities.

The Court then referred to the submissions of Bosnia-Herzegovina (see pp. 191-194, above), and to its request of 20 March 1993 for the indication of provisional measures (see pp. 195-196, above).

The Court also referred to the recommendation by Yugoslavia (in written observations on the request for provisional measures, submitted on 1 April 1993) that the Court order the application of the following provisional measures:

- to instruct the authorities controlled by A. Izetbegovic to comply strictly with the latest agreement on a cease-fire in the 'Republic of Bosnia and Herzegovina' which went into force on 28 March 1993; to direct the authorities under the control of A. Izetbegovic to respect the Geneva Conventions for the Protection of Victims of War of 1949 and the 1977 Additional Protocols thereof, since the genocide of Serbs living in the 'Republic of Bosnia and Herzegovina' is being carried out by the commission of very serious war crimes which are in violation of the obligation not to infringe upon the essential human rights;
- to instruct the authorities loyal to A. Izetbegovic to close immediately and disband all prisons and detention camps in the 'Republic of Bosnia and Herzegovina' in which the Serbs are being detained because of their ethnic origin and subjected to acts of torture, thus presenting a real danger for their life and health;
- to direct the authorities controlled by A. Izetbegovic to allow, without delay, the Serb residents to leave safely Tuzla, Zenica, Sarajevo and other places in the 'Republic of Bosnia and Herzegovina', where they have been subject to harassment and physical and mental abuse, and having in mind that they may suffer the same fate as the Serbs in eastern Bosnia, which was the site of the killing and massacres of a few thousand Serb civilians;
- to instruct the authorities loyal to A. Izetbegovic to cease immediately any further destruction of Orthodox churches and places of worship and of other Serb cultural heritage, and to release and stop further mistreatment of all Orthodox priests being in prison;
- to direct the authorities under the control of A. Izetbegovic to put an end to all acts of discrimination based on nationality or religion and the practice of 'ethnic cleansing', including the discrimination relating to the delivery of humanitarian aid, against the Serb population in the 'Republic of Bosnia and Herzegovina'."

After recalling its Order of 8 April 1993, the Court referred to a second request of Bosnia-Herzegovina, filed on 27 July 1993 (see pp. 197-198, above).

The Court then recalled the message addressed by the President of the Court, on 5 August 1993, to both Parties (see pp. 198-199, above), and referred to the request by Yugoslavia, filed on 10 August 1993, whereby Yugoslavia had requested the Court to indicate the provisional measure set out above (p. 199).

After referring to several questions of procedure, the Court began by considering that in order to be admissible the second request by Bosnia-Herzegovina, and that of Yugoslavia, should be based upon new circumstances such as to justify their being examined. The Court found that that was the case.

Turning to the question of its jurisdiction the Court recalled that in its Order of 8 April 1993 the Court had considered that Article IX of

the Genocide Convention, to which both the Applicant and the Respondent were parties, appeared to the Court

"to afford a basis on which the jurisdiction of the Court might be founded to the extent that the subject-matter of the dispute relates to 'the interpretation, application or fulfilment' of the Convention, including disputes relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III of the Convention" (*I.C.J. Reports 1993*, p. 16, para. 26).

It thereafter examined several additional bases of jurisdiction relied on by the Applicant, finding that the 1919 Treaty of Saint-Germain-en-Laye was irrelevant for the request; that no new fact had been put forward to reopen the question of whether the letter of 8 June 1992, addressed to the President of the Arbitration Commission of the International Conference for Peace in Yugoslavia might constitute a ground for jurisdiction; that the Court's jurisdiction under customary and conventional laws of war and international humanitarian law was not *prima facie* established; and that a communication Yugoslavia made in the context of the first request for provisional measures by the Applicant, dated 1 April 1993, could not, even *prima facie*, be interpreted as "an unequivocal indication" of a "voluntary and indisputable" acceptance of the Court's jurisdiction.

The Court then observed that the power of the Court to indicate provisional measures under Article 41 of the Statute of the Court had as its object to preserve the respective rights of the parties pending the decision of the Court, and presupposed that irreparable prejudice should not be caused to rights which were the subject of dispute in judicial proceedings; and whereas it followed that the Court had to be concerned to preserve by such measures the rights which might subsequently be adjudged by the Court to belong either to the Applicant or to the Respondent and that the Court, having established the existence of one basis on which its jurisdiction might be founded, namely Article IX of the Genocide Convention, and having been unable to find that other suggested bases could *prima facie* be accepted as such, ought not to indicate measures for the protection of any disputed rights other than those which might ultimately form the basis of a judgment in the exercise of the jurisdiction thus *prima facie* established.

After reiterating the measures it had indicated in its Order of 8 April 1993, the Court then summed up the rights sought to be protected, as enumerated in the second request of Bosnia-Herzegovina for the indication of provisional measures and concluded that nearly all of those rights had been asserted in almost identical terms in Bosnia-Herzegovina's first request and that only one of them was such that it might *prima facie* to some extent fall within the rights arising under the Genocide Convention; and that it had therefore been in relation to that paragraph and for the protection of rights under the Convention that the Court had indicated provisional measures in its Order of 8 April 1993.

The Court then turned to the list of measures which the Applicant requested it to indicate and observed that it included certain measures which would be addressed to States or entities not parties to the proceedings. The Court considered that the judgment in a particular case had, in accordance with Article 59 of the Statute of the Court, "no binding force except between the parties"; and that accordingly the Court might, for the preservation of those rights, indicate provisional measures to be taken by the parties, but not by third States or other entities who would not be bound by the eventual judgment to recognize and respect those rights.

Three of the measures requested by the Applicant provided that the Government of Bosnia-Herzegovina "must have the means" to prevent the commission of genocide, and to defend its people against genocide, and "must have the ability to obtain military weapons, equipment and supplies" from the other parties to the Genocide Convention. The Court observed that Article 41 of the Statute empowered the Court to indicate measures "which ought to be taken to preserve the respective rights of either party", and that this meant measures which ought to be taken by one or both parties to the case; that however it was clear that the intention of the Applicant in requesting these measures was not that the Court should indicate that the Respondent ought to take certain steps for the preservation of the Applicant's rights, but rather that the Court should make a declaration of what those rights were, which "would clarify the legal situation for the entire international community", in particular the members of the United Nations Security Council. The Court accordingly found that this request had to be regarded as outside the scope of Article 41 of the Statute.

Two of the measures requested related to the possibility of "partition and dismemberment", annexation or incorporation of the sovereign territory of Bosnia and Herzegovina. The Court was unable to accept that a "partition and dismemberment", or annexation of a sovereign State, or its incorporation into another State, could in itself constitute an act of genocide and thus a matter falling within the jurisdiction of the Court under Article IX of the Genocide Convention. On the other hand, in so far as it was the Applicant's contention that such "partition and dismemberment", annexation or incorporation would result from genocide, the Court, in its Order of 8 April 1993 had already indicated that Yugoslavia should "take all measures within its power to prevent commission of the crime of genocide", whatever might be its consequences.

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Turning to the request by Yugoslavia the Court did not find that the circumstances, as they presented themselves to the Court, were such as to require a more specific indication of measures addressed to Bosnia-Herzegovina so as to recall to it both its undoubted obligations

under the Genocide Convention, and the need to refrain from action of the kind contemplated by paragraph 52 B of the Court's Order of 8 April 1993.

*

The Court finally referred to Article 75, paragraph 2, of the Rules of Court, which recognized the power of the Court, when a request for provisional measures had been made, to indicate measures that were in whole or in part other than those requested and observed that the Court had to consider the circumstances drawn to its attention and to determine whether those circumstances required the indication of further provisional measures to be taken by the Parties for the protection of rights under the Genocide Convention.

After reviewing the situation and after referring to several pertinent resolutions of the Security Council, the Court came to the conclusion that

"the present perilous situation demands, not an indication of provisional measures additional to those indicated by the Court's Order of 8 April 1993 [see pp. 196-197, above] but immediate and effective implementation of those measures".

Operative paragraph (para. 61)

"THE COURT,

(1) By 13 votes to 2,

Reaffirms the provisional measure indicated in paragraph 52 A (1) of the Order made by the Court on 8 April 1993, which should be immediately and effectively implemented;

IN FAVOUR: *President* Sir Robert Jennings; *Vice-President* Oda; *Judges* Schwebel, Bedjaoui, Ni, Evensen, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ajibola, Herczegh; *Judge ad hoc* Lauterpacht;

AGAINST: *Judge* Tarassov; *Judge ad hoc* Kreća;

(2) By 13 votes to 2,

Reaffirms the provisional measure indicated in paragraph 52 A (2) of the Order made by the Court on 8 April 1993, which should be immediately and effectively implemented;

IN FAVOUR: *President* Sir Robert Jennings; *Vice-President* Oda; *Judges* Schwebel, Bedjaoui, Ni, Evensen, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ajibola, Herczegh; *Judge ad hoc* Lauterpacht;

AGAINST: *Judge* Tarassov; *Judge ad hoc* Kreća;

(3) By 14 votes to 1.

Reaffirms the provisional measure indicated in paragraph 52 B of the Order made by the Court on 8 April 1993, which should be immediately and effectively implemented.

IN FAVOUR: President Sir Robert Jennings; Vice-President Oda; Judges Schwebel, Bedjaoui, Ni, Evensen, Tarashev, Guillaume, Shahabuddeen, Aguilar Mawdsley, Weeramantry, Ajibola, Herczegh; Judge ad hoc Lauterpacht;

AGAINST: Judge ad hoc Kreća."

*

Judge Oda appended a declaration to the Order (*I.C.J. Reports 1993*, pp. 351-352); Judges Shahabuddeen, Weeramantry and Ajibola and Judge ad hoc Lauterpacht appended separate opinions (*ibid.*, pp. 353-369, 370-389, 390-406 and 407-448); and Judge Tarashev and Judge ad hoc Kreća appended dissenting opinions (*ibid.*, pp. 449-452 and 453-465).

By an Order of 7 October 1993 (*I.C.J. Reports 1993*, p. 470), the Vice-President of the Court, at the request of Bosnia and Herzegovina and after Yugoslavia (Serbia and Montenegro) had expressed its opinion, extended to 15 April 1994 the time-limit for the filing of the Memorial of Bosnia and Herzegovina, and to 15 April 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia (Serbia and Montenegro). The Memorial was filed within the prescribed time-limit.

11. Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

On 23 October 1992 the Ambassador of the Republic of Hungary to the Netherlands presented at the Court an Application against the Czech and Slovak Federal Republic in the dispute concerning the projected diversion of the Danube. In that document the Hungarian Government, before detailing its case, invited the Czech and Slovak Federal Republic to accept the jurisdiction of the Court.

A copy of the Application was transmitted to the Government of the Czech and Slovak Federal Republic in accordance with Article 38, paragraph 5, of the Rules of Court, which reads as follows:

"When the Applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Following negotiations under the aegis of the European Communities between Hungary and the Czech and Slovak Federal Republic, which dissolved into two separate States on 1 January 1993, the Governments of the Republic of Hungary and of the Slovak Republic notified jointly,

on 2 July 1993, to the Registrar of the Court a Special Agreement, signed at Brussels on 7 April 1993, for the submission to the Court of certain issues arising out of differences which had existed between the Republic of Hungary and the Czech and Slovak Federal Republic, regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System and on the construction and operation of the "provisional solution". The Special Agreement records that the Slovak Republic is in this respect the sole successor State of the Czech and Slovak Federal Republic.

In Article 2 of the Special Agreement:

"(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,

- (a) whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary;
- (b) whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);
- (c) what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.

(2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph 1 of this Article."

By an Order of 14 July 1993 (*I.C.J. Reports 1993*, p. 319) the Court decided that, as provided in Article 3, paragraph 2, of the Special Agreement and Article 46, paragraph 1, of the Rules of Court, each Party should file a Memorial and a Counter-Memorial, within the same time-limit, and fixed 2 May 1994 and 5 December 1994 as the time-limits for the filing of the Memorial and Counter-Memorial, respectively. The Memorials were filed within the prescribed time-limit.

12. *Land and Maritime Boundary between Cameroon and Nigeria*
(*Cameroon v. Nigeria*)

On 29 March 1994 the Republic of Cameroon filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty

over the peninsula of Bakassi, and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

In the Application Cameroon refers to "an aggression by the Federal Republic of Nigeria, whose troops are occupying several Cameroonian localities on the Bakassi Peninsula", resulting "in great prejudice to the Republic of Cameroon", and requests the Court to adjudge and declare:

- "(a) that sovereignty over the Peninsula of Bakassi is Cameroonian, by virtue of international law, and that that Peninsula is an integral part of the territory of Cameroon;
- (b) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*);
- (c) that by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;
- (d) that the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;
- (e) that in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian territory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian Peninsula of Bakassi;
- (e') that the internationally unlawful acts referred to under (a), (b), (c), (d), and (e) above involve the responsibility of the Federal Republic of Nigeria;
- (e'') that, consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;
- (f) in order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."

On 6 June 1994 Cameroon filed in the Registry of the Court an

Additional Application "for the purpose of extending the subject of the dispute" to a further dispute described as relating essentially "to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad", while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon requested the Court to adjudge and declare:

- "(a) that sovereignty over the disputed parcel in the area of Lake Chad is Cameroonian, by virtue of international law, and that that parcel is an integral part of the territory of Cameroon;
- (b) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*), and its recent legal commitments concerning the demarcation of frontiers in Lake Chad;
- (c) that the Federal Republic of Nigeria, by occupying, with the support of its security forces, parcels of Cameroonian territory in the area of Lake Chad, has violated and is violating its obligations under treaty law and customary law;
- (d) that in view of these legal obligations, mentioned above, the Federal Republic of Nigeria has the express duty of effecting an immediate and unconditional withdrawal of its troops from Cameroonian territory in the area of Lake Chad;
- (e) that the internationally unlawful acts referred to under (a), (b), and (d) above involve the responsibility of the Federal Republic of Nigeria;
- (e) that consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;
- (f) that in view of the repeated incursions of Nigerian groups and armed forces into Cameroonian territory, all along the frontier between the two countries, the consequent grave and repeated incidents, and the vacillating and contradictory attitude of the Federal Republic of Nigeria in regard to the legal instruments defining the frontier between the two countries and the exact course of that frontier, the Republic of Cameroon respectfully asks the Court to specify definitively the frontier between Cameroon and the Federal Republic of Nigeria from Lake Chad to the sea."

Cameroon further requested the Court to join the two Applications "and to examine the whole in a single case".

At a meeting between the President of the Court and the representatives of the Parties held on 14 June 1994, the Agent of Nigeria indicated that his Government had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole as one case.

By an Order of 16 June 1994, the Court, seeing no objection to such a procedure, fixed 16 March 1995 as the time-limit for filing the Memorial of Cameroon, and 18 December 1995 as the time-limit for filing the Counter-Memorial of Nigeria.

Nigeria chose Prince Bola A. Ajibola and Cameroon Mr. Kéba Mbaye to sit as judges *ad hoc*.

B. REQUEST FOR ADVISORY OPINION

Legality of the Use by a State of Nuclear Weapons in Armed Conflict

On 14 May 1993 the World Health Assembly of the World Health Organization adopted resolution WHA46.40 by which the Assembly requested the International Court of Justice to give an advisory opinion on the following question:

"In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?"

The letter of the Director-General of the World Health Organization (WHO) transmitting to the Court the request for an advisory opinion, together with certified true copies of the English and French texts of the aforesaid resolution, dated 27 August 1993, was received in the Registry on 3 September 1993.

By an Order of 13 September 1993 (*I.C.J. Reports 1993*, p. 467), the Court fixed 10 June 1994 as the time-limit within which written statements might be submitted to the Court by the World Health Organization and by those of its member States which were entitled to appear before the Court, in accordance with Article 66, paragraph 2, of the Statute of the Court.

By an Order of 20 June 1994 (*I.C.J. Reports 1994*, p. 109), the President of the Court, following requests from several of the aforesaid States, extended that time-limit to 26 September 1994.

II. APPLICATION OF THE STATUTE AND RULES OF COURT

1. Organization of the Court

(a) Installation of new judges

(Statute, Art. 20; Rules, Art. 4)

The three new judges elected by the General Assembly and the Security Council on 10 November 1993 (see Chap. I, p. 10, above) made their solemn declarations at the opening public sitting of the hearings in the phase of jurisdiction and admissibility of the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*.

(b) The Presidency

(Statute, Arts. 21, 48 and 66, paras. 2 and 4; Rules, Arts. 10, 11, 13, para. 3, 31, 44, 79, 102 and 105)

On 8 February 1994 the Court elected its President and Vice-President for a term of three years with effect from 6 February 1994 (see above, p. 10).

In the case concerning *Oil Platforms (Islamic Republic of Iran v. United States of America)*, the President made an Order fixing a time-limit for presentation of a written statement of observations and submissions on the preliminary objections (see above, p. 191).

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the President made an Order extending the time-limit for the submission of written statements and fixing a time-limit for States or organizations having presented written statements to present written observations on the other written statements (see above, p. 208).

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, the Vice-President of the Court made an Order extending the time-limits for filing the Memorial and the Counter-Memorial (see above, p. 204).

(c) Non-participation of a judge in a case

(Statute, Art. 23, para. 3; Rules, Art. 20, para. 2)

In the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, a Member of the Court was prevented by illness from taking part in the deliberation and final vote.

(d) Judges ad hoc

(Statute, Arts. 20 and 31; Rules, Arts. 4, 8 and 35, paras. 1 and 3)

The judges *ad hoc* chosen in the case concerning *Maritime Delimitation*

and *Territorial Questions between Qatar and Bahrain* (*Qatar v. Bahrain*) made their solemn declarations at the public sitting marking the opening of the hearings in the phase of jurisdiction and admissibility (see above, p. 182).

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina v. Yugoslavia* (*Serbia and Montenegro*)), Yugoslavia (Serbia and Montenegro) exercised the power to choose a judge *ad hoc* conferred by Article 31, paragraph 2, of the Statute (see above, p. 197).

The Islamic Republic of Iran, in the case concerning *Oil Platforms* (*Islamic Republic of Iran v. United States of America*), and Nigeria and Cameroon, in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon v. Nigeria*), also exercised the power to choose judges *ad hoc* (see above, pp. 191 and 208).

(c) *Chamber of the Court for Environmental Matters*

(Statute, Art. 26, para. 1; Rules, Arts. 16 and 18)

The Court extended until 6 February 1995 the mandate of the seven members of the Chamber for Environmental Matters, which the Court established in July 1993. One member of the Chamber having ceased to be a Member of the Court, the Court elected another judge to replace him (see Chap. 1, p. 18, above).

2. *Jurisdiction of the Court*

(Statute, Art. 36)

(a) *Decision of the Court on questions of jurisdiction and admissibility*

In the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar v. Bahrain*), the Respondent questioned the basis of the Court's jurisdiction relied upon by the Applicant. At a meeting held by the President of the Court with the representatives of the Parties on 2 October 1991, it was agreed that separate rulings would be given, prior to any proceedings on the merits, on the questions of jurisdiction and admissibility. By an Order of 11 October 1991, the President of the Court fixed time-limits for filing the Memorial of Qatar and the Counter-Memorial of Bahrain on the questions of jurisdiction and admissibility. The public sittings were held between 28 February and 11 March 1994. In its Judgment of 1 July 1994, the Court found that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar dated 19 and 26 December 1987, and the document headed "Minutes" and signed at Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, were international agreements creating rights and obligations for the Parties; that by the terms of those agreements the Parties had undertaken to submit to the Court the whole of the dispute between them, as circumscribed by

the text proposed by Bahrain to Qatar on 26 October 1988, and accepted by Qatar in December 1990, referred to in the 1990 Doha Minutes as the "Bahraini formula"; decided to afford the Parties the opportunity to submit to the Court the whole of the dispute, fixed 30 November 1994 as the time limit within which the Parties were, jointly or separately, to take action to that end; and reserved any other matters for subsequent decision (see above, pp. 186-187).

(b) *Preliminary objections*

(Rules, Art. 79)

In the case concerning *Oil Platforms (Islamic Republic of Iran v. United States of America)*, the United States of America, within the extended time-limit for filing the Counter-Memorial, filed certain preliminary objections (see above, p. 191). In accordance with Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended; and the Court fixed the time-limit for the presentation of Iran's written statement of observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

3. *Contentious Procedure*

(a) *Institution of proceedings*

(Statute, Art. 40; Rules, Art. 38)

In the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, Cameroon filed in the Registry of the Court, on 29 March 1994, an Application instituting proceedings. On 6 June 1994 Cameroon filed in the Registry of the Court an Additional Application "for the purpose of extending the subject of the dispute". At a meeting between the President of the Court and the representatives of the Parties, the Agent of Nigeria stated that his Government had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole as one case.

Yugoslavia (Serbia and Montenegro) filed an Application against the Member States of NATO in which it founded the Court's jurisdiction "upon a consent thereto yet to be given or manifested by the State against which such application is made" (Rules of Court, Art. 38, para. 5). The Registrar transmitted the Application as provided in the Statute and Rules of Court. It is the second time that the Court has applied the provisions of Article 38, paragraph 5, of the Rules of Court, which came into force in 1978.

(b) *Fixing of time-limits*

(Statute, Art. 48; Rules, Art. 39)

The Court fixed time-limits in the case concerning the *Land and*

Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria) (see above, p. 208). (For the fixing and extension of time-limits by the President of the Court, see above, p. 209, under 1 (b).)

(c) *Filing of pleadings*

In the following cases, pleadings were filed by the Parties within the prescribed time-limits: *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)* (see above, p. 190); *Oil Platforms (Islamic Republic of Iran v. United States of America)* (see above, p. 191); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))* (see above, p. 204); and *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* (see above, p. 205).

(d) *Presentation of new documents*

(Statute, Art. 52; Rules, Arts. 56 and 74, para. 3)

In the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, supplemental documents were filed by one of the Parties after the closure of the written proceedings. The other Party indicated that it had no objection to the production of the documents, reserving the right to comment thereon, and submitted documents under Article 56, paragraph 3, of the Rules of Court.

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, the Applicant submitted a series of documents to the Court up to the eve of the oral proceedings, and even during those proceedings. The Court considered that such submission was incompatible with the orderly staging of the proceedings and respect for the principle of equality of the Parties. Nevertheless, referring to Article 74, paragraph 3, of the Rules of Court and to the urgency and other prevailing circumstances, the Court deemed it possible to accept the documents in question as constituting in that instance "observations" presented to it in accordance with that provision, since they concerned requests for the indication of provisional measures.

(e) *Accessibility of pleadings to the public*

(Rules, Art. 53, para. 2)

In the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, the Court, after ascertaining the views of the Parties, decided that the pleadings on questions of jurisdiction and admissibility, and the documents annexed thereto, should

be made accessible to the public as from the opening of the oral proceedings.

(f) *Oral proceedings*

(Statute, Arts. 43, para. 5, 45 and 46; Rules, Arts. 54, 58, 74 and 75)

In the jurisdiction and admissibility phase of the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, the oral proceedings consisted of two rounds of arguments in which both States participated.

At the hearings held on the further requests for the indication of provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, the President of the Court, noting that the Court was seised of requests by both Parties for the indication of provisional measures, that Bosnia and Herzegovina was the Applicant in the case and that its request for the indication of provisional measures predated that of Yugoslavia, gave the floor first to the Agent of Bosnia and Herzegovina. The hearings consisted of two rounds of arguments.

(g) *Questions put by judges*

(Statute, Art. 45; Rules, Arts. 61 and 72)

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, during the hearings on the further requests for the indication of provisional measures, a Member of the Court and one of the judges *ad hoc* put questions to both Parties. Another Member of the Court put a question to one of the two Parties. The reply to the latter question was given during the oral proceedings; the replies to the other questions were given in writing after the closure of the oral proceedings.

During the hearings in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, the Vice-President of the Court put questions to both Agents. The replies were given in writing after the closure of the oral proceedings under Article 61, paragraph 4, and Article 72 of the Rules of Court, and each of the Parties submitted written observations on the other's reply.

(h) *Final submissions*

(Rules, Art. 60, para. 2)

In the second round of oral arguments concerning the further requests for the indication of provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, the submissions of both Parties in this phase of the case were presented or confirmed.

In the second round of oral arguments in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, the Agents of both Parties presented the final submissions of their Governments and also submitted them in writing.

(i) *Provisional measures*

(Statute, Art. 41; Rules, Arts. 73-75)

In the proceedings concerning the further requests for the indication of provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, Bosnia and Herzegovina considered that notwithstanding the provisions of Article 74, paragraph 3, of its Rules, the Court could and should indicate provisional measures without oral proceedings at which the other Party might be represented. That assertion was based on Article 75, paragraph 1, of the Rules of Court. On opening the hearings, the President of the Court referred to the expression of a similar opinion by Bosnia and Herzegovina at the time of presentation of its initial request of 20 March 1993 for the indication of provisional measures and to the Court's decision on that occasion (see *I.C.J. Yearbook 1992-1993*, p. 246).

In view of the circumstances, the President had nevertheless deemed it fitting to exercise the power vested in him under Article 74, paragraph 4, of the Rules of Court to "call upon the Parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects", and had addressed an urgent message to both Parties inviting them so to act and pointing out that the provisional measures already indicated in April 1993 continued to apply (see above, pp. 198-199).

(j) *Discontinuance*

(Rules, Art. 88)

In the case concerning *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, both Parties, by joint notification, informed the Court that they had agreed to discontinue the proceedings because they had reached an amicable settlement; the Court made an Order recording the discontinuance and directing the removal of the case from the list (see above, p. 165).

(k) *Separate opinions and declarations*

(Statute, Art. 57; Rules, Art. 95, para. 2)

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, the Vice-President appended a declaration to the Order on the further requests for the indication of provisional measures; three judges and one of the judges *ad hoc* appended

separate opinions, and one judge and the other judge *ad hoc* dissenting opinions (see above, p. 204).

In the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya v. Chad)*, one judge appended a declaration to the Judgment of the Court; two judges appended separate opinions, and one of the judges *ad hoc* a dissenting opinion (see above, p. 176).

In the jurisdiction and admissibility phase of the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, one judge appended a declaration to the Judgment of the Court; the Vice-President and one of the judges *ad hoc* appended separate opinions, and one judge a dissenting opinion (see above, p. 187).

(1) *Reading of the decision of the Court*

(i) *Judgments*

(Statute, Art. 58; Rules, Arts. 94 and 95)

The Judgment of the Court in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya v. Chad)* was read at a public sitting; in view of the length of the text, the President indicated and summarized the passages omitted.

The Judgment of the Court in the jurisdiction and admissibility phase of the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)* was read at a public sitting in the same abridged form.

(ii) *Order*

The Order of 13 September 1993 on the further requests for the indication of provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))* was read at a public sitting by the President of the Court, who, in view of the length of the text, indicated and summarized the passages omitted.

4. *Advisory Proceedings*

(a) *Request for opinions*

(Statute, Arts. 65 and 66, para. 1)

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the Court was seised of a request for an advisory opinion from the World Health Organization (WHO). WHO is authorized to request advisory opinions (which it is doing for the second time in the present instance) under Article 96, paragraph 2, of the United Nations Charter and in pursuance of the provisions of the WHO Constitution and of the Agreement between the United Nations and the

World Health Organization, approved by the General Assembly on 15 November 1947 (Art. X). The Registrar immediately notified the request to all States entitled to appear before the Court.

(b) *File*

(Statute, Art. 65, para. 2; Rules, Art. 104)

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the Director-General of WHO transmitted to the Court a file containing documents likely to throw light upon the question.

(c) *Special and direct communication*

(Statute, Art. 66, para. 2)

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the Court deemed that the World Health Organization and the WHO member States entitled to appear before the Court were likely to be able to furnish information on the questions raised and that the Court was willing to receive written statements from them.

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the organization International Physicians for the Prevention of Nuclear War and the International Peace Bureau, relying upon Article 66, paragraph 2, of the Statute, expressed the desire to provide the Court with information concerning the request for an advisory opinion submitted by the World Health Organization. The Registrar notified each of those two organizations that, in view of the circumstances of the case and the scope of the request of WHO, the Court had decided not to invite them to submit written or oral statements.

(d) *Fixing of time-limits*

(Statute, Art. 66, para. 2; Rules, Art. 103)

In the case concerning the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the Court fixed the time-limit within which written statements might be submitted to it by the World Health Organization and the WHO member States entitled to appear before the Court. (For the extension of that time-limit and the fixing of the time-limit within which States or organizations having submitted written statements might present observations in writing on the other written statements, see above, p. 208, para. 1, sub-para. (b).)

III. VISITS

1. Visit by the Secretary-General of the United Nations

On 20 January 1994 the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, made an official visit to the International

Court of Justice, the principal judicial organ of the Organization, at the invitation of the President of the Court, Sir Robert Jennings. The Secretary-General was received by the President and the Members of the Court and held private talks with them. He also met with the staff of the Registry of the Court. A luncheon was given in his honour by the President.

2. Other Visits

On 13 December 1993 the Chairman of the Executive Committee of the Palestine Liberation Organization, Mr. Yasser Arafat, who was visiting the Netherlands, came to visit the premises which the International Court of Justice occupies in the Peace Palace and in the New Wing of that building. In the absence of the President, he was received in private by Vice-President Shigeru Oda and by Members of the Court. The Vice-President made a short speech of welcome, to which Chairman Arafat replied.

IV. REPORT AND REPRESENTATION OF THE COURT AT THE GENERAL ASSEMBLY

On the occasion of the forty-eighth session of the General Assembly, the Court submitted a report on its activities covering the period from 1 August 1992 to 31 July 1993 (A/48/4). This report was divided into seven parts, relating to the composition, jurisdiction and judicial work of the Court, the role of the Court, administrative questions, and the Court's publications and documents. The General Assembly took note of the report at its 31st plenary meeting held on 15 October 1993.

On that occasion the President, who, with the Registrar, represented the Court at the forty-eighth session of the General Assembly, addressed that body on the role and functioning of the Court. The text of that address is reproduced in the Appendix to this Chapter (see below, pp. 218-223). Those Members of the Court who were present in New York also attended part of the forty-eighth session of the General Assembly.

A report dealing with the period 1 August 1993 to 31 July 1994 will be submitted on the occasion of the forty-ninth session of the General Assembly (A/49/4).

V. APPLICATIONS FROM PRIVATE PERSONS

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 1993 and 31 July 1994 the Court received approximately 1,200 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

I. FOLLOW-UP TO THE DECISIONS OF THE COURT

This appendix contains information that reached the Registry between 1 August 1993 and 31 July 1994 in relation to the follow-up to the decisions of the Court. The Registry, which takes no initiative in seeking such information, publishes it without comment as it comes in and assumes no responsibility in this connection.

Territorial Dispute (Libyan Arab Jamahiriya/Chad)

As indicated above, the Court delivered its Judgment in this case on 3 February 1994.

After exchanges of letters and talks between high-level delegations, the Parties signed at Surt, Libyan Arab Jamahiriya, on 4 April 1994, an Agreement "concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994", Article 1 of which reads as follows:

"The two Parties have agreed that operations for the withdrawal of the Libyan administration and forces shall commence on 15 April 1994, under the supervision of a mixed team composed of 25 Libyan officers and 25 Chadian officers and based at the Aouzou administrative post. The withdrawal operations shall end on 30 May 1994 at 0000 hours. The official ceremony for the hand-over of the territory shall be held on 30 May 1994 at the Aouzou administrative post.

United Nations observers shall be present during all the Libyan withdrawal operations and shall establish that the withdrawal is actually effected."

The two Parties communicated this Agreement to the Secretary-General of the United Nations for transmission to the Security Council.

By resolution S/RES 915 (1994), adopted on 4 May 1994, the Security Council established the United Nations Aouzou Strip Observer Group (UNASOG).

As stated in the report of the Secretary-General to the Security Council, dated 6 June 1994 (S/1994/672):

"On 30 May 1994, Mr. Abderrahman Izzo Miskine, Minister of [the] Interior and Security of Chad, and Mr. Mohamed Mahmud Al Hijazi, Secretary of the General People's Committee for Justice and Public Security of the Libyan Arab Jamahiriya, signed a Joint Declaration on behalf of their Governments stating

that the withdrawal of the Libyan administration and forces from the Aouzou Strip had been effected as of that date (30 May 1994) to the satisfaction of both parties and monitored by UNASOG. The Chief Military Observer of UNASOG affixed his signature to the Declaration as a witness."

II. THE ROLE AND FUNCTIONING OF THE COURT

At the 31st meeting of the forty-eighth session of the General Assembly, held on 15 October 1993 (see above, p. 217), the President of the Court, Sir Robert Jennings, gave the following address:

"The International Court of Justice continues to have a full docket of cases: there are at present 11 cases at various stages of the procedure. Recent additions to the list are the case between Hungary and Slovakia over the Danube dams; and the request from the World Health Organization for an advisory opinion concerning the use of nuclear weapons – the only advisory opinion request in the docket at present.

Twice during this last year the Court has had to deal with complicated and lengthy requests for interim measures of protection in the case brought by Bosnia and Herzegovina against Yugoslavia (Serbia and Montenegro) concerning the Genocide Convention. Such requests for interim measures, according to the Court's rules, 'have priority over all other cases'. These two separate requests were such requests, and the Court dealt with them immediately and with dispatch: the first was handled in some three weeks, and the second in only a little longer time – that period including in both instances time for an oral hearing in which both parties were heard and for the study of several lengthy written observations.

Particulars of the Court's decisions and also of the cases in its docket are given, as members of the General Assembly will know, not only in the Court's own report but also in Chapter II, Section A, of the 1993 report of the Secretary-General on the work of the Organization (A/48/1).

I can now add that on 14 June final judgment was given, by 14 votes to 1, in the important case between Denmark and Norway – a further case arising from a unilateral application by Denmark, basing jurisdiction on the 'optional clause' of Article 36 of the Court's Statute – concerning the maritime boundary between the east coast of Greenland and the Norwegian island of Jan Mayen. There have been indications that the Court's judgment in that case is perceived by both parties as a satisfactory final settlement of a dispute which protracted negotiations had failed to settle.

One case, between Nauru and Australia, in which a jurisdictional phase was decided last year, was last month the subject of a carefully drawn settlement out of court, resulting in the withdrawal of the

case from the Court's list. It will be remembered that last year I was able to report that the *Great Belt* case between Finland and Denmark had been settled, indeed almost on the eve of the scheduled oral proceedings, in negotiations which had been suggested and encouraged by the Court itself.

There is another case on the Court's list in which negotiations are active, the Court having been asked by both parties to grant a delay in the procedures to enable the negotiations to continue in order to see whether it might be possible to reach a settlement.

I mention these settled cases, and the case still the subject of ongoing negotiations, because they illustrate a new role for the Court, unimagined by earlier commentators on the adjudication process in international matters. In all these instances of settlement, or attempted settlement, by negotiations after the time when the Court has been seised of a case, some part of the procedures of the Court, such as written pleadings, or indeed a hearing and decision in a preliminary phase, such as jurisdiction or interim measures, had been completed. Thus, it was the intervention of some part of the procedures before the Court which apparently not only made further negotiations in this new context possible but made it possible for them to succeed.

In this way, the Court procedure is beginning to be seen as a resort to be employed in a closer relationship with normal diplomatic negotiation. No longer is resort to the International Court of Justice seen, to use the traditional phrase, as a 'last resort' when all negotiation has finally failed. Rather, it is sometimes now to be seen as a recourse that might usefully be employed at an earlier stage of the dispute. I suppose a foretaste of this development was the 1969 *North Sea Continental Shelf* cases, where the Court, by deciding a legal question that had been a sticking-point, enabled normal negotiations to start again and to resolve the matter in a way acceptable to all parties concerned. This tendency to use the Court, acting under its contentious jurisdiction, as a partner in preventive diplomacy rather than as a last-resort alternative is after all only to conform to the place that courts enjoy in any developed domestic system of law.

The perception of the International Court of Justice as a normal, rather than as an extraordinary, part of international relations may perhaps also be reflected in the fact that the number of declarations of acceptance of the Court's jurisdiction under paragraph 2 of Article 36 – the optional clause – of the Court's Statute is still on a slow but continual upward trend. The total of such acceptances is now 57 out of the 184 Member States. There have also been several additions to the list of treaties with jurisdiction clauses.

It is an interesting development, the significance of which I do not attempt to comment upon here, that the increased busyness of the Court is still the result almost entirely of cases brought under the

contentious jurisdiction and that States show more eagerness to use the Court than do those international organizations entitled to ask for advisory opinions.

Whilst speaking of decisions in contentious cases, I should like to say something about the notion one sometimes hears that contentious proceedings before the full International Court of Justice take rather a long time. It is true that the period between the application and the judgment is usually one to be measured in years rather than months. But, in almost all cases, the greater part of that time is taken up by the parties themselves in the preparation and study of two or sometimes three rounds of elaborate written pleadings, followed by oral proceedings in which the parties usually expect to be allowed to talk for typically three or four weeks. So the time actually taken by the Court for deliberation and drafting of a judgment is relatively short. I am not suggesting that the parties necessarily take too long over the preparation of written pleadings and the provision of documentation. The cases we get are very important cases and Governments naturally wish to take time over the preparations leading towards a decision that will be final and is without appeal. It is perhaps also relevant here to mention the fact that the Court's standing Chamber of Summary Procedure has never been employed even though it has remained continuously in being.

To give some idea of the dimensions of some of the cases, let me instance the one which is now in the hands of the Court for decision: the very important territorial dispute *Chad Libyan Arab Jamahiriya*, brought to the Court by the Agreement of 31 August 1990. The written pleadings in that case amount to some 30 stout volumes of argument and documentation, and the phase of written pleadings was then followed by five weeks of oral hearings. The documentation is remarkable, for the case involves long periods of colonial history in Africa and both parties have been able to use the relevant British, French and Italian archives. Quite apart from the need for the Judges to read and study this vast if also fascinating array of material, almost every word of it, of course, had to be translated into the other language of the Court. The time-consuming nature of this exercise is evident, and certainly the Court has been working recently under very great pressure.

All these things considered, one is justified in saying that the Court itself really works remarkably quickly, and the time taken will be found in any event, I believe, to compare favourably with other superior courts of both domestic and international jurisdiction.

All of the cases at present on the list are cases brought before the full Court. The Court has, however, found time to establish a Chamber for Environmental Matters, in the belief that some litigants might prefer a Chamber composed of Judges who have expressed a special interest in such matters. It may be useful, however, to make it clear that the establishment of this Chamber for Environmental

Matters is in no way intended to suggest that cases involving environmental matters should go to that Chamber, or any other Chamber, rather than the full Court. The jurisdiction of the full Court obviously comprehends environmental matters, as indeed it comprehends any other question of international law. Furthermore, to take a contentious-jurisdiction case to a Chamber will normally require agreement of the parties to do so, whereas the full Court might have jurisdiction, whether under paragraph 2 of Article 36 of the Statute or under some treaty-jurisdiction clause, in a case brought by unilateral application. And, naturally, it would be the normal course to address any request for an advisory opinion to the full Court.

I like to think that the new busyness of the International Court of Justice is at least in part connected with a more realistic appreciation of the place and function of a court of justice in a society governed by the rule of law. Traditionally, the writers and commentators used to put before us what they conceived of as an ideal situation in which all disputes would be submitted for settlement to a court. I think there is now much more appreciation that some disputes require political decisions by a political body. Such a body will of course work within the framework of the law, but the reasons for the decision will be political rather than legal. This, of course, is the scheme of the United Nations Charter, and the fact that that scheme is now being put into operation in a way that has not until recently been practicable helps us to see the Court – the principal judicial organ of the United Nations – in a new and altogether more realistic context. People are much more likely to resort to the Court if they have a clear idea of what it can and should do, and what it cannot do.

It is here that I should like to express the pleasure and gratitude of all Members of the Court for the terms in which the use of the Court is recommended in the resolution of the General Assembly on the report of the Secretary-General on the work of the Organization. It is most encouraging to see the use of the Court thus supported clearly in the general context of 'An Agenda for Peace' and as a component of the scheme of preventive diplomacy.

I cannot leave this theme of the role of the International Court of Justice without a mention of today's tendency to proliferate other and specialized courts and tribunals. We may soon have three in The Hague alone: the International Court of Justice, the Permanent Court of Arbitration, and the new international criminal court for crimes committed in the former Yugoslavia. The relationship of these tribunals to each other and to each other's jurisdiction, and their respective contributions to the directions taken by the development of international law by the resulting case law from their decisions, raise interesting and difficult questions which might at some time have to be addressed. There is only one thought I wish to leave with the members of the General Assembly on this occasion: there can be only one 'principal judicial organ of the United Nations', as there

is normally only one supreme court of any legally ordered community; and that position of the International Court of Justice ought always to be remembered and strenuously protected.

This is probably my last appearance before the General Assembly as President of the Court. I want to thank the Secretary-General and to thank you, Mr. President, and the members of the General Assembly for their immensely valuable support to the Court and to its work. This has been of very great importance to the Court in this time of expansion of its work and of the addressing of the difficult problems of staffing and premises brought about by that very expansion."

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 (*i*), and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below¹.

I. GENERAL

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) Reports of Judgments, Advisory Opinions and Orders

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately². To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

In January of each year, an analytical index is published of the previous year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one volume.

Forty-four bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. (The *I.C.J. Reports* 1965, 1967, 1968, 1977, 1979 and 1983 are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111, or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 232-241, below.)

¹ The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see p. 148.

² See Chap. V, p. 154, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings¹, the written pleadings and their annexes², the verbatim record of the oral proceedings³, any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. Thus far 128 volumes have been published. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 246-252, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English-French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contained the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further included certain resolutions concerning States entitled to appear before the Court. It was published in July 1978, in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

(d) *Yearbook*

In the second half of each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August

¹ See Chap. V, pp. 150 and 158, above.

² *Ibid.*, pp. 150-151, above.

³ *Ibid.*, pp. 152-153, above.

of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the forty-eighth in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 29 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(2) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 46 (year 1992).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g., *I.C.J. Bibliography* No. 7: 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography* No. 35: 81-150 as from 1981.

2. *Dissemination of the Publications of the International Court of Justice*

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales Sections of the United Nations Secretariat: Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10, Switzerland, or the Sales Section, United Nations, New York, NY 10017, USA, and may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. *Publications of the Permanent Court of International Justice*

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

- Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

They can also be obtained from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to whom all orders and requests for information should be addressed.

II. OFFICIAL CITATION OF JUDGMENTS, ADVISORY OPINIONS AND ORDERS

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order.

Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

1922

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, Advisory Opinion, 1922, P.C.I.J., Series B, No. 1.

Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, Advisory Opinion, 1922, P.C.I.J., Series B, No. 2.

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, Advisory Opinion, 1922, P.C.I.J., Series B, No. 3.

1923

Nationality Decrees Issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

S.S. "Wimbledon", Judgments, 1923, P.C.I.J., Series A, No. 1.

German Settlers in Poland, Advisory Opinion, 1923, P.C.I.J., Series B, No. 6.

Acquisition of Polish Nationality, Advisory Opinion, 1923, P.C.I.J., Series B, No. 7.

Jaworzina, Advisory Opinion, 1923, P.C.I.J., Series B, No. 8.

1924

Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2.

Monastery of Saint-Naoum, Advisory Opinion, 1924, P.C.I.J., Series B, No. 9.

Treaty of Neuilly, Article 179, Annex, Paragraph 4 (Interpretation), Judgment No. 3, 1924, P.C.I.J., Series A, No. 3.

1925

Exchange of Greek and Turkish Populations, Advisory Opinion, 1925, P.C.I.J., Series B, No. 10.

Interpretation of Judgment No. 3, Judgment No. 4, 1925, P.C.I.J., Series A, No. 4.

Mavrommatis Jerusalem Concessions, Judgment No. 5, 1925, P.C.I.J., Series A, No. 5.

Polish Postal Service in Danzig, Advisory Opinion, 1925, P.C.I.J., Series B, No. 11.

Certain German Interests in Polish Upper Silesia, Jurisdiction, Judgment No. 6, 1925, P.C.I.J., Series A, No. 6.

Interpretation of Article 3, Paragraph 2, of the Treaty of Lausanne, Advisory Opinion, 1925, P.C.I.J., Series B, No. 12.

1926

Certain German Interests in Polish Upper Silesia, Merits, Judgment No. 7, 1926, P.C.I.J., Series A, No. 7.

Competence of the ILO to Regulate Incidentally the Personal Work of the Employer, Advisory Opinion, 1926, P.C.I.J., Series B, No. 13.

1927

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Orders of 8 January, 15 February and 18 June 1927, P.C.I.J., Series A, No. 8.

Factory at Chorzów, Jurisdiction, Judgment No. 8, 1927, P.C.I.J., Series A, No. 9.

"Lotus", Judgment No. 9, 1927, P.C.I.J., Series A, No. 10.

Readaptation of the Mavrommatis Jerusalem Concessions, Judgment No. 10, 1927, P.C.I.J., Series A, No. 11.

- Factory at Chorzów, Order of 21 November 1927, P.C.I.J., Series A, No. 12.*
Jurisdiction of the European Commission of the Danube, Advisory Opinion, 1927, P.C.I.J., Series B, No. 14.
Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów), Judgment No. 11, 1927, P.C.I.J., Series A, No. 13.

1928

- Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 21 February 1928, P.C.I.J., Series A, No. 14.*
Jurisdiction of the Courts of Danzig, Advisory Opinion, 1928, P.C.I.J., Series B, No. 15.
Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15.
Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 13 August 1928, P.C.I.J., Series A, No. 16.
Interpretation of the Greco-Turkish Agreement of 1 December 1926 (Final Protocol, Article IV), Advisory Opinion, 1928, P.C.I.J., Series B, No. 16.
Factory at Chorzów, Merits, Judgment No. 13, 1928, P.C.I.J., Series A, No. 17.

1929

- Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 25 May 1929, P.C.I.J., Series A, No. 18.*
Factory at Chorzów, Order of 25 May 1929, P.C.I.J., Series A, No. 19.
Serbian Loans, Judgment No. 14, 1929, P.C.I.J., Series A, No. 20.
Brazilian Loans, Judgment No. 15, 1929, P.C.I.J., Series A, No. 21.
Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No. 22.
Territorial Jurisdiction of the International Commission of the River Oder, Judgment No. 16, 1929, P.C.I.J., Series A, No. 23.

1930

- Greco-Bulgarian "Communities", Advisory Opinion, 1930, P.C.I.J., Series B, No. 17.*
Free City of Danzig and I.L.O., Advisory Opinion, 1930, P.C.I.J., Series B, No. 18.
Free Zones of Upper Savoy and the District of Gex, Order of 6 December 1930, P.C.I.J., Series A, No. 24.

1931

- Access to German Minority Schools in Upper Silesia, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 40, p. 4.*
Customs Régime between Germany and Austria, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 41, p. 37.

Railway Traffic between Lithuania and Poland, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 42, p. 108.

Access to, or Anchorage in, the Port of Danzig, of Polish War Vessels, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 43, p. 128.

1932

Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 44, p. 4.

Interpretation of the Greco-Bulgarian Agreement of 9 December 1927, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 45, p. 68.

Free Zones of Upper Savoy and the District of Gex, Judgment, 1932, P.C.I.J., Series A/B, No. 46, p. 96.

Interpretation of the Statute of the Memel Territory, Preliminary Objection, Judgment, 1932, P.C.I.J., Series A/B, No. 47, p. 243.

Legal Status of the South-Eastern Territory of Greenland, Orders of 2 and 3 August 1932, P.C.I.J., Series A/B, No. 48, p. 268.

Interpretation of the Statute of the Memel Territory, Merits, Judgment, 1932, P.C.I.J., Series A/B, No. 49, p. 294.

Interpretation of the Convention of 1919 concerning Employment of Women during the Night, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 50, p. 365.

1933

Delimitation of the Territorial Waters between the Island of Castellorizo and the Coasts of Anatolia, Order of 26 January 1933, P.C.I.J., Series A/B, No. 51, p. 4.

Prince von Pless Administration, Order of 4 February 1933, P.C.I.J., Series A/B, No. 52, p. 11.

Legal Status of Eastern Greenland, Judgment, 1933, P.C.I.J., Series A/B, No. 53, p. 22.

Prince von Pless Administration, Order of 11 May 1933, P.C.I.J., Series A/B, No. 54, p. 150.

Legal Status of the South-Eastern Territory of Greenland, Order of 11 May 1933, P.C.I.J., Series A/B, No. 55, p. 157.

Appeals from Certain Judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal, Order of 12 May 1933, P.C.I.J., Series A/B, No. 56, p. 162.

Prince von Pless Administration, Order of 4 July 1933, P.C.I.J., Series A/B, No. 57, p. 167.

Polish Agrarian Reform and German Minority, Order of 29 July 1933, P.C.I.J., Series A/B, No. 58, p. 175.

Prince von Pless Administration, Order of 2 December 1933, P.C.I.J., Series A/B, No. 59, p. 194.

Polish Agrarian Reform and German Minority, Order of 2 December 1933, P.C.I.J., Series A/B, No. 60, p. 201.

Appeal from a Judgment of the Hungaro-Czechoslovak Mixed Arbitral Tribunal (The Peter Pázmány University), Judgment, 1933, P.C.I.J., Series A/B, No. 61, p. 208.

1934

Lighthouses case between France and Greece, Judgment, 1934, P.C.I.J., Series A/B, No. 62, p. 4.

Oscar Chinn, Judgment, 1934, P.C.I.J., Series A/B, No. 63, p. 65.

1935

Minority Schools in Albania, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 64, p. 4.

Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 65, p. 41.

1936

Pajzs, Csáky, Esterházy, Order of 23 May 1936, P.C.I.J., Series A/B, No. 66, p. 4.

Losinger, Order of 27 June 1936, P.C.I.J., Series A/B, No. 67, p. 15.

Pajzs, Csáky, Esterházy, Judgment, 1936, P.C.I.J., Series A/B, No. 68, p. 30.

Losinger, Order of 14 December 1936, P.C.I.J., Series A/B, No. 69, p. 99.

1937

Diversion of Water from the Meuse, Judgment, 1937, P.C.I.J., Series A/B, No. 70, p. 4.

Lighthouses in Crete and Samos, Judgment, 1937, P.C.I.J., Series A/B, No. 71, p. 94.

Borchgrave, Judgment, 1937, P.C.I.J., Series A/B, No. 72, p. 158.

1938

Borchgrave, Order of 30 April 1938, P.C.I.J., Series A/B, No. 73, p. 4.

Phosphates in Morocco, Judgment, 1938, P.C.I.J., Series A/B, No. 74, p. 10.

Panevezys-Saldutiskis Railway, Order of 30 June 1938, P.C.I.J., Series A/B, No. 75, p. 53.

1939

Panevezys-Saldutiskis Railway, Judgment, 1939, P.C.I.J., Series A/B, No. 76, p. 4.

Electricity Company of Sofia and Bulgaria, Judgment, 1939, P.C.I.J., Series A/B, No. 77, p. 64.

Société Commerciale de Belgique, Judgment, 1939, P.C.I.J., Series A/B, No. 78, p. 160.

Electricity Company of Sofia and Bulgaria, Order of 5 December 1939, P.C.I.J., Series A/B, No. 79, p. 194.

1940

Electricity Company of Sofia and Bulgaria, Order of 26 February 1940, P.C.I.J., Series A/B, No. 80, p. 4.

2. International Court of Justice

1948

Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948, p. 15.

Corfu Channel, Order of 26 March 1948, I.C.J. Reports 1947-1948, p. 53.

Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter), Advisory Opinion, 1948, I.C.J. Reports 1947-1948, p. 57.

Corfu Channel, Order of 17 December 1948, I.C.J. Reports 1947-1948, p. 124.

1949

Corfu Channel, Merits, Judgment, I.C.J. Reports 1949, p. 4.

Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, p. 174.

Corfu Channel, Order of 19 November 1949, I.C.J. Reports 1949, p. 237.

Corfu Channel, Assessment of Amount of Compensation, Judgment, I.C.J. Reports 1949, p. 244.

1950

Competence of the General Assembly for the Admission of a State to the United Nations, Advisory Opinion, I.C.J. Reports 1950, p. 4.

Protection of French Nationals and Protected Persons in Egypt, Order of 29 March 1950, I.C.J. Reports 1950, p. 59.

Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion, I.C.J. Reports 1950, p. 65.

International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950, p. 128.

Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, Second Phase, Advisory Opinion, I.C.J. Reports 1950, p. 221.

Asylum, Judgment, I.C.J. Reports 1950, p. 266.

Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case, Judgment, I.C.J. Reports 1950, p. 395.

1951

Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Reports 1951, p. 15.

Haya de la Torre, Judgment, I.C.J. Reports 1951, p. 71.

Anglo-Iranian Oil Co., Interim Protection, Order of 5 July 1951, I.C.J. Reports 1951, p. 89.

Rights of Nationals of the United States of America in Morocco, Order of 31 October 1951, I.C.J. Reports 1951, p. 109.

Fisheries, Judgment, I.C.J. Reports 1951, p. 116.

1952

Ambatielos, Preliminary Objection, Judgment, I.C.J. Reports 1952, p. 28.

Anglo-Iranian Oil Co., Judgment, I.C.J. Reports 1952, p. 93.

Rights of Nationals of the United States of America in Morocco, Judgment, I.C.J. Reports 1952, p. 176.

1953

Ambatielos, Merits, Judgment, I.C.J. Reports 1953, p. 10.

Minquiers and Ecrehos, Judgment, I.C.J. Reports 1953, p. 47.

Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953, p. 111.

1954

Monetary Gold Removed from Rome in 1943, Judgment, I.C.J. Reports 1954, p. 19.

Effect of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1954, p. 47.

Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Hungary), Order of 12 July 1954, I.C.J. Reports 1954, p. 99.

Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Union of Soviet Socialist Republics), Order of 12 July 1954, I.C.J. Reports 1954, p. 103.

Electricité de Beyrouth Company, Order of 29 July 1954, I.C.J. Reports 1954, p. 107.

1955

Nottebohm, Second Phase, Judgment, I.C.J. Reports 1955, p. 4.

Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa, Advisory Opinion, I.C.J. Reports 1955, p. 67.

1956

Aerial Incident of 10 March 1953, Order of 14 March 1956, I.C.J. Reports 1956, p. 6.

Aerial Incident of 7 October 1952, Order of 14 March 1956, I.C.J. Reports 1956, p. 9.

Antarctica (United Kingdom v. Argentina), Order of 16 March 1956, I.C.J. Reports 1956, p. 12.

Antarctica (United Kingdom v. Chile), Order of 16 March 1956, I.C.J. Reports 1956, p. 15.

Admissibility of Hearings of Petitioners by the Committee on South West Africa, Advisory Opinion, I.C.J. Reports 1956, p. 23.

Certain Norwegian Loans, Order of 28 September 1956, I.C.J. Reports 1956, p. 73.

Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco, Advisory Opinion, I.C.J. Reports 1956, p. 77.

1957

Certain Norwegian Loans, Judgment, I.C.J. Reports 1957, p. 9.

Interhandel, Interim Protection, Order of 24 October 1957, I.C.J. Reports 1957, p. 105.

Right of Passage over Indian Territory, Preliminary Objections, Judgment, I.C.J. Reports 1957, p. 125.

1958

Application of the Convention of 1902 Governing the Guardianship of Infants, Judgment, I.C.J. Reports 1958, p. 55.

Aerial Incident of 4 September 1954, Order of 9 December 1958, I.C.J. Reports 1958, p. 158.

1959

Interhandel, Judgment, I.C.J. Reports 1959, p. 6.

Aerial Incident of 27 July 1955 (Israel v. Bulgaria), Judgment, I.C.J. Reports 1959, p. 127.

Sovereignty over Certain Frontier Land, Judgment, I.C.J. Reports 1959, p. 209.

Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria), Order of 3 August 1959, I.C.J. Reports 1959, p. 264.

Aerial Incident of 7 November 1954, Order of 7 October 1959, I.C.J. Reports 1959, p. 276.

1960

Right of Passage over Indian Territory, Merits, Judgment, I.C.J. Reports 1960, p. 6.

Aerial Incident of 27 July 1955 (United States of America v. Bulgaria), Order of 30 May 1960, I.C.J. Reports 1960, p. 146.

Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization, Advisory Opinion, I.C.J. Reports 1960, p. 150.

Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient, Order of 31 August 1960, I.C.J. Reports 1960, p. 186.

Arbitral Award Made by the King of Spain on 23 December 1906, Judgment, I.C.J. Reports 1960, p. 192.

1961

Barcelona Traction, Light and Power Company, Limited, Order of 10 April 1961, I.C.J. Reports 1961, p. 9.

South West Africa, Order of 20 May 1961, I.C.J. Reports 1961, p. 13.

Temple of Preah Vihear, Preliminary Objections, Judgment, I.C.J. Reports 1961, p. 17.

1962

Temple of Preah Vihear, Merits, Judgment, I.C.J. Reports 1962, p. 6.

Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion, I.C.J. Reports 1962, p. 151.

South West Africa, Preliminary Objections, Judgment, I.C.J. Reports 1962, p. 319.

1963

Northern Cameroons, Judgment, I.C.J. Reports 1963, p. 15.

1964

Barcelona Traction, Light and Power Company, Limited, Preliminary Objections, Judgment, I.C.J. Reports 1964, p. 6.

1965

South West Africa, Order of 18 March 1965, I.C.J. Reports 1965, p. 3.

South West Africa, Order of 29 November 1965, I.C.J. Reports 1965, p. 9.

1966

South West Africa, Second Phase, Judgment, I.C.J. Reports 1966, p. 6.

1968

North Sea Continental Shelf, Order of 26 April 1968, I.C.J. Reports 1968, p. 9.

1969

North Sea Continental Shelf, Judgment, I.C.J. Reports 1969, p. 3.

1970

Barcelona Traction, Light and Power Company, Limited, Second Phase, Judgment, I.C.J. Reports 1970, p. 3.

1971

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Orders Nos. 1, 2 and 3 of 26 January 1971, I.C.J. Reports 1971, pp. 3, 6 and 9.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Order of 29 January 1971, I.C.J. Reports 1971, p. 12.

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.

1972

Fisheries Jurisdiction (United Kingdom v. Iceland), Interim Protection, Order of 17 August 1972, I.C.J. Reports 1972, p. 12.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland), Interim Protection, Order of 17 August 1972, I.C.J. Reports 1972, p. 30.

Appeal Relating to the Jurisdiction of the ICAO Council, Judgment, I.C.J. Reports 1972, p. 46.

Fisheries Jurisdiction (United Kingdom v. Iceland), Order of 18 August 1972, I.C.J. Reports 1972, p. 181.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland), Order of 18 August 1972, I.C.J. Reports 1972, p. 188.

1973

Fisheries Jurisdiction (United Kingdom v. Iceland), Jurisdiction of the Court, Judgment, I.C.J. Reports 1973, p. 3.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland), Jurisdiction of the Court, Judgment, I.C.J. Reports 1973, p. 49.

Nuclear Tests (Australia v. France), Interim Protection, Order of 22 June 1973, I.C.J. Reports 1973, p. 99.

Nuclear Tests (New Zealand v. France), Interim Protection, Order of 22 June 1973, I.C.J. Reports 1973, p. 135.

Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1973, p. 166.

Fisheries Jurisdiction (United Kingdom v. Iceland), Interim Protection, Order of 12 July 1973, I.C.J. Reports 1973, p. 302.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland), Interim Protection, Order of 12 July 1973, I.C.J. Reports 1973, p. 313.

Nuclear Tests (Australia v. France), Application for Permission to Intervene, Order of 12 July 1973, I.C.J. Reports 1973, p. 320.

Nuclear Tests (New Zealand v. France), Application for Permission to Intervene, Order of 12 July 1973, I.C.J. Reports 1973, p. 324.

Trial of Pakistani Prisoners of War, Interim Protection, Order of 13 July 1973, I.C.J. Reports 1973, p. 328.

Trial of Pakistani Prisoners of War, Order of 15 December 1973, I.C.J. Reports 1973, p. 347.

1974

Fisheries Jurisdiction (United Kingdom v. Iceland), Merits, Judgment, I.C.J. Reports 1974, p. 3.

Fisheries Jurisdiction (Federal Republic of Germany v. Iceland), Merits, Judgment, I.C.J. Reports 1974, p. 175.

Nuclear Tests (Australia v. France), Judgment, I.C.J. Reports 1974, p. 253.

Nuclear Tests (New Zealand v. France), Judgment, I.C.J. Reports 1974, p. 457.

Nuclear Tests (Australia v. France), Application for Permission to Intervene, Order of 20 December 1974, I.C.J. Reports 1974, p. 530.

Nuclear Tests (New Zealand v. France), Application for Permission to Intervene, Order of 20 December 1974, I.C.J. Reports 1974, p. 535.

1975

Western Sahara, Order of 22 May 1975, I.C.J. Reports 1975, p. 6.

Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p. 12.

1976

Aegean Sea Continental Shelf, Interim Protection, Order of 11 September 1976, I.C.J. Reports 1976, p. 3.

1978

Aegean Sea Continental Shelf, Judgment, I.C.J. Reports 1978, p. 3.

1979

United States Diplomatic and Consular Staff in Tehran, Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979, p. 7.

1980

United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980, p. 3.

Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980, p. 73.

1981

Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Application for Permission to Intervene, Judgment, I.C.J. Reports 1981, p. 3.

United States Diplomatic and Consular Staff in Tehran, Order of 12 May 1981, I.C.J. Reports 1981, p. 45.

1982

- Delimitation of the Maritime Boundary in the Gulf of Maine Area, Constitution of Chamber, Order of 20 January 1982, I.C.J. Reports 1982, p. 3.*
- Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1982, p. 18.*
- Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1982, p. 325.*

1984

- Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984, p. 3.*
- Delimitation of the Maritime Boundary in the Gulf of Maine Area, Appointment of Expert, Order of 30 March 1984, I.C.J. Reports 1984, p. 165.*
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Provisional Measures, Order of 10 May 1984, I.C.J. Reports 1984, p. 169.*
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Declaration of Intervention, Order of 4 October 1984, I.C.J. Reports 1984, p. 215.*
- Delimitation of the Maritime Boundary in the Gulf of Maine Area, Judgment, I.C.J. Reports 1984, p. 246.*
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392.*

1985

- Frontier Dispute, Constitution of Chamber, Order of 3 April 1985, I.C.J. Reports 1985, p. 6.*
- Continental Shelf (Libyan Arab Jamahiriya/Malta), Judgment, I.C.J. Reports 1985, p. 13.*
- Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya), Judgment, I.C.J. Reports 1985, p. 192.*

1986

- Frontier Dispute, Provisional Measures, Order of 10 January 1986, I.C.J. Reports 1986, p. 3.*
- Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, p. 14.*
- Frontier Dispute, Judgment, I.C.J. Reports 1986, p. 554.*

1987

Electronica Sicula S.p.A. (ELSI), Constitution of Chamber, Order of 2 March 1987, I.C.J. Reports 1987, p. 3.

Frontier Dispute, Nomination of Experts, Order of 9 April 1987, I.C.J. Reports 1987, p. 7.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Constitution of Chamber, Order of 8 May 1987, I.C.J. Reports 1987, p. 10.

Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1987, p. 18.

Border and Transborder Armed Actions (Nicaragua v. Costa Rica), Order of 19 August 1987, I.C.J. Reports 1987, p. 182.

1988

Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, Order of 9 March 1988, I.C.J. Reports 1988, p. 3.

Border and Transborder Armed Actions (Nicaragua v. Honduras), Provisional Measures, Order of 31 March 1988, I.C.J. Reports 1988, p. 9.

Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947, Advisory Opinion, I.C.J. Reports 1988, p. 12.

Border and Transborder Armed Actions (Nicaragua v. Honduras), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1988, p. 69.

Electronica Sicula S.p.A. (ELSI), Composition of Chamber, Order of 20 December 1988, I.C.J. Reports 1988, p. 158.

1989

Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Order of 14 June 1989, I.C.J. Reports 1989, p. 9.

Electronica Sicula S.p.A. (ELSI), Judgment, I.C.J. Reports 1989, p. 15.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Composition of Chamber, Order of 13 December 1989, I.C.J. Reports 1989, p. 162.

Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Reports 1989, p. 177.

1990

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Order of 28 February 1990, I.C.J. Reports 1990, p. 3.

Arbitral Award of 31 July 1989, Provisional Measures, Order of 2 March 1990, I.C.J. Reports 1990, p. 64.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990, p. 92.

Territorial Dispute (Libyan Arab Jamahiriya/Chad), Order of 26 October 1990, I.C.J. Reports 1990, p. 149.

1991

Passage through the Great Belt (Finland v. Denmark), Provisional Measures, Order of 29 July 1991, I.C.J. Reports 1991, p. 12.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Order of 26 September 1991, I.C.J. Reports 1991, p. 47.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Order of 11 October 1991, I.C.J. Reports 1991, p. 50.

Arbitral Award of 31 July 1989, Judgment, I.C.J. Reports 1991, p. 53.

1992

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Provisional Measures, Order of 14 April 1992, I.C.J. Reports 1992, p. 3.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America), Provisional Measures, Order of 14 April 1992, I.C.J. Reports 1992, p. 114.

Border and Transborder Armed Actions (Nicaragua v. Honduras), Order of 27 May 1992, I.C.J. Reports 1992, p. 222.

Certain Phosphate Lands in Nauru (Nauru v. Australia), Preliminary Objections, Judgment, I.C.J. Reports 1992, p. 240.

Passage through the Great Belt (Finland v. Denmark), Order of 10 September 1992, I.C.J. Reports 1992, p. 348.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening), Judgment, I.C.J. Reports 1992, p. 351.

1993

Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993, p. 3.

- Maritime Delimitation in the Area between Greenland and Jan Mayen, Judgment, I.C.J. Reports 1993, p. 38.*
- Certain Phosphate Lands in Nauru (Nauru v. Australia), Order of 25 June 1993, I.C.J. Reports 1993, p. 316.*
- Certain Phosphate Lands in Nauru (Nauru v. Australia), Order of 13 September 1993, I.C.J. Reports 1993, p. 322.*
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 13 September 1993, I.C.J. Reports 1993, p. 325.*

1994

- Territorial Dispute (Libyan Arab Jamahiriya/Chad), Judgment, I.C.J. Reports 1994, p. 6.*
- Land and Maritime Boundary between Cameroon and Nigeria, Order of 16 June 1994, I.C.J. Reports 1994, p. 105.*
- Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1994, p. 112.*

III. ABBREVIATED REFERENCES TO PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

In order to standardize the abbreviated references to the *Pleadings, Oral Arguments, Documents* series of the International Court of Justice and the corresponding volumes (*Series C*) of the *Permanent Court of International Justice*, the Court decided to use the titles below, which are given in chronological order based on the date of entry of the case in the General List.

For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

I. Permanent Court of International Justice

1922

- Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, P.C.I.J., Series C, No. 1.*

L. of N Council

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, P.C.I.J., Series C, No. 1.
L of N Council

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, P.C.I.J., Series C, No. 1.
L of N Council

Nationality Decrees Issued in Tunis and Morocco, P.C.I.J., Series C, No. 2 (and additional volume).
L of N Council

1923

S.S. "Wimbledon", P.C.I.J., Series C, No. 3, Vols. I and II (and additional volume).

France, Italy, Japan, United Kingdom v. Germany

German Settlers in Poland, P.C.I.J., Series C, No. 3, Vols. I, III (1) and III (2).
L of N Council

Status of Eastern Carelia, P.C.I.J., Series C, No. 3, Vols. I and II.
L of N Council

Acquisition of Polish Nationality, P.C.I.J., Series C, No. 3, Vols. I, III (1) and III (2).
L of N Council

Jaworzina, P.C.I.J., Series C, No. 4.
L of N Council

1924

Mavrommatis Concessions, P.C.I.J., Series C, No. 5, Vol. I; No. 7, Vol. II; No. 13 (III).

Greece v. United Kingdom

Treaty of Neuilly, Article 179, Annex, Paragraph 4 (Interpretation), P.C.I.J., Series C, No. 6 (and additional volume).
Bulgaria Greece

Monastery of Saint-Naoum, P.C.I.J., Series C, No. 5, Vol. II.
L of N Council

Exchange of Greek and Turkish Populations, P.C.I.J., Series C, No. 7, Vol. I.
L of N Council

1925

Polish Postal Service in Danzig, P.C.I.J., Series C, No. 8.
L of N Council

**Expulsion of the Oecumenical Patriarch*, P.C.I.J., Series C, No. 9 (II).
L of N Council

Certain German Interests in Polish Upper Silesia, P.C.I.J., Series C, No. 9 (I); No. 11, Vols. I-III.

Germany v. Poland

Interpretation of Article 3, paragraph 2, of the Treaty of Lausanne, P.C.I.J., Series C, No. 10.

L of N Council

1926

Competence of the ILO to Regulate Incidentally the Personal Work of the Employer, P.C.I.J., Series C, No. 12.

L of N Council

**Denunciation of the Treaty of 2 November 1865 between China and Belgium*, P.C.I.J., Series C, No. 16 (I).

Belgium v. China

Jurisdiction of the European Commission of the Danube, P.C.I.J., Series C, No. 13 (IV), Vols. I-IV.

L of N Council

1927

"*Lotus*", P.C.I.J., Series C, No. 13 (II).

France Turkey

Factory at Chorzów, P.C.I.J., Series C, No. 13 (I); No. 13 (V); No. 15 (II); No. 16 (II).

Germany v. Poland

Jurisdiction of the Courts of Danzig, P.C.I.J., Series C, No. 14 (I).

L of N Council

1928

Rights of Minorities in Upper Silesia (Minority Schools), P.C.I.J., Series C, No. 14 (II).

Germany v. Poland

Free Zones of Upper Savoy and the District of Gex, P.C.I.J., Series C, No. 17 (I), Vols. I-IV; No. 19, Vols. I-V; No. 58.

France Switzerland

Brazilian Loans, P.C.I.J., Series C, No. 16 (IV).

Brazil France

Serbian Loans, P.C.I.J., Series C, No. 16 (III).

France Yugoslavia

Interpretation of the Greco-Turkish Agreement of 1 December 1926 (Final Protocol, Article IV), P.C.I.J., Series C, No. 15 (I).

L of N Council

Territorial Jurisdiction of the International Commission of the River Oder,
P.C.I.J., Series C, No. 17 (II).

Czechoslovakia, Denmark, France,
Germany, Sweden, United Kingdom Poland

1930

Greco-Bulgarian "Communities", P.C.I.J., Series C, No. 18 (I).

L of N Council

Free City of Danzig and ILO, P.C.I.J., Series C, No. 18 (II).

L of N Council

1931

Railway Traffic between Lithuania and Poland, P.C.I.J., Series C, No. 54.

L of N Council

Access to German Minority Schools in Upper Silesia, P.C.I.J., Series C,
No. 52.

L of N Council

Customs Régime between Germany and Austria, P.C.I.J., Series C, No. 53.

L of N Council

*Treatment of Polish Nationals and Other Persons of Polish Origin or Speech
in the Danzig Territory*, P.C.I.J., Series C, No. 56.

L of N Council

Legal Status of Eastern Greenland, P.C.I.J., Series C, Nos. 62-67 (and
table of contents and maps).

Denmark v. Norway

Access to, or Anchorage in, the Port of Danzig, of Polish War Vessels,
P.C.I.J., Series C, No. 55.

L of N Council

Interpretation of the Greco-Bulgarian Agreement of 9 December 1927,
P.C.I.J., Series C, No. 57.

L of N Council

*Delimitation of the Territorial Waters between the Island of Castellorizo
and the Coasts of Anatolia*, P.C.I.J., Series C, No. 61.

Italy/Turkey

1932

Interpretation of the Statute of the Memel Territory, P.C.I.J., Series C,
No. 59.

France, Italy, Japan,
United Kingdom v. Lithuania

*Interpretation of the Convention of 1919 concerning Employment of Women
during the Night*, P.C.I.J., Series C, No. 60.

L of N Council

- * *Prince von Pless Administration*, P.C.I.J., Series C, No. 70.
Germany v. Poland
- * *Appeals from Certain Judgments of the Hungaro-Czechoslovak Mixed Arbitral Tribunal*, P.C.I.J., Series C, No. 68.
Czechoslovakia v. Hungary
- * *Legal Status of the South-Eastern Territory of Greenland*, P.C.I.J., Series C, No. 69.
Norway v. Denmark; Denmark v. Norway

1933

- Appeal from a Judgment of the Hungaro-Czechoslovak Mixed Arbitral Tribunal (The Peter Pázmány University)*, P.C.I.J., Series C, Nos. 72-73.
Czechoslovakia v. Hungary
- Lighthouses case between France and Greece*, P.C.I.J., Series C, No. 74.
France Greece
- * *Polish Agrarian Reform and German Minority*, P.C.I.J., Series C, No. 71.
Germany v. Poland

1934

- Oscar Chinn*, P.C.I.J., Series C, No. 75.
Belgium United Kingdom

1935

- Minority Schools in Albania*, P.C.I.J., Series C, No. 76.
L of N Council
- Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City*, P.C.I.J., Series C, No. 77.
L of N Council
- * *Losinger*, P.C.I.J., Series C, No. 78.
Switzerland v. Yugoslavia

1936

- Pajzs, Csáky, Esterházy*, P.C.I.J., Series C, Nos. 79-80.
Hungary v. Yugoslavia
- Phosphates in Morocco*, P.C.I.J., Series C, Nos. 84-85.
Italy v. France
- Diversion of Water from the Meuse*, P.C.I.J., Series C, No. 81.
Netherlands v. Belgium
- Lighthouses in Crete and Samos*, P.C.I.J., Series C, No. 82.
France Greece

1937

Borchgrave, P.C.I.J., Series C, No. 83.

Belgium/Spain

Panevezys-Saldutiskis Railway, P.C.I.J., Series C, No. 86.

Estonia v. Lithuania

1938

Electricity Company of Sofia and Bulgaria, P.C.I.J., Series C, No. 88.

Belgium v. Bulgaria

Société Commerciale de Belgique, P.C.I.J., Series C, No. 87.

Belgium v. Greece

1939

**Gerliezy* (No volume published).

Liechtenstein v. Hungary

2. International Court of Justice

1947

I.C.J. Pleadings, Corfu Channel, Vols. I-VI.

United Kingdom v. Albania

I.C.J. Pleadings, Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter).

UN General Assembly

1948

I.C.J. Pleadings, Reparation for Injuries Suffered in the Service of the United Nations.

UN General Assembly

1949

I.C.J. Pleadings, Fisheries, Vols. I-IV (and charts).

United Kingdom v. Norway

**I.C.J. Pleadings, Protection of French Nationals and Protected Persons in Egypt.*

France v. Egypt

I.C.J. Pleadings, Asylum, Vols. I-II.

Colombia/Peru

I.C.J. Pleadings, Interpretation of Peace Treaties with Bulgaria, Hungary and Romania.

UN General Assembly

I.C.J. Pleadings, Competence of the General Assembly for the Admission of a State to the United Nations.

UN General Assembly

I.C.J. Pleadings, International Status of South West Africa.

UN General Assembly

1950

I.C.J. Pleadings, Rights of Nationals of the United States of America in Morocco, Vols. I-II.

France v. USA

I.C.J. Pleadings, Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide.

UN General Assembly

I.C.J. Pleadings, Haya de la Torre.

Colombia v. Peru

1951

I.C.J. Pleadings, Ambatielos.

Greece v. United Kingdom

I.C.J. Pleadings, Anglo-Iranian Oil Co.

United Kingdom v. Iran

I.C.J. Pleadings, Minquiers and Ecrehos, Vols. I-II.

France United Kingdom

I.C.J. Pleadings, Nottebohm, Vols. I-II.

Liechtenstein v. Guatemala

1953

I.C.J. Pleadings, Monetary Gold Removed from Rome in 1943.

Italy v. France, United Kingdom, USA

**I.C.J. Pleadings, Electricité de Beyrouth Company.*

France v. Lebanon

I.C.J. Pleadings, Effect of Awards of Compensation Made by the United Nations Administrative Tribunal.

UN General Assembly

1954

**I.C.J. Pleadings, Treatment in Hungary of Aircraft and Crew of United States of America.*

USA v. Hungary;

USA v. USSR

I.C.J. Pleadings, Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa.

UN General Assembly

1955

- *I.C.J. Pleadings, Aerial Incident of 10 March 1953.*
USA v. Czechoslovakia
- *I.C.J. Pleadings, Antaretica.*
United Kingdom v. Argentina;
United Kingdom v. Chile
- *I.C.J. Pleadings, Aerial Incident of 7 October 1952.*
USA v. USSR
- I.C.J. Pleadings, Certain Norwegian Loans, Vols. I-II.*
France v. Norway
- I.C.J. Pleadings, Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco.*
Unesco Executive Board
- I.C.J. Pleadings, Admissibility of Hearings of Petitioners by the Committee on South West Africa.*
UN General Assembly
- I.C.J. Pleadings, Right of Passage over Indian Territory, Vols. I-V.*
Portugal v. India

1957

- I.C.J. Pleadings, Application of the Convention of 1902 Governing the Guardianship of Infants.*
Netherlands v. Sweden
- I.C.J. Pleadings, Interhandel.*
Switzerland v. USA
- I.C.J. Pleadings, Aerial Incident of 27 July 1955.*
Israel v. Bulgaria;
*USA v. Bulgaria;
*United Kingdom v. Bulgaria
- I.C.J. Pleadings, Sovereignty over Certain Frontier Land.*
Belgium/Netherlands

1958

- I.C.J. Pleadings, Arbitral Award Made by the King of Spain on 23 December 1906, Vol. I (with maps) and Vol. II.*
Honduras v. Nicaragua
- *I.C.J. Pleadings, Aerial Incident of 4 September 1954.*
USA v. USSR
- *I.C.J. Pleadings, Barcelona Traction, Light and Power Company, Limited.*
Belgium v. Spain

1959

*I.C.J. Pleadings, *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient*.

France v. Lebanon

I.C.J. Pleadings, *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*.

IMCO Assembly

*I.C.J. Pleadings, *Aerial Incident of 7 November 1954*.

USA v. USSR

I.C.J. Pleadings, *Temple of Preah Vihear*, Vols. I-II.

Cambodia v. Thailand

1960

I.C.J. Pleadings, *South West Africa*, Vols. I-XII.

Ethiopia v. South Africa;

Liberia v. South Africa

1961

I.C.J. Pleadings, *Northern Cameroons*.

Cameroon v. United Kingdom

I.C.J. Pleadings, *Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*.

UN General Assembly

1962

I.C.J. Pleadings, *Barcelona Traction, Light and Power Company, Limited (New Application: 1962)*, Vols. I-X¹.

Belgium v. Spain

1967

I.C.J. Pleadings, *North Sea Continental Shelf*, Vols. I-II.

Fed. Rep. Germany/Denmark;

Fed. Rep. Germany/Netherlands

1970

I.C.J. Pleadings, *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Vols. I-II.

UN Security Council

¹ In this case, annexes to written pleadings, and documents submitted after the closure of the written proceedings, were not reproduced. Sets of these texts were, however, deposited in a number of public libraries, a list of which is given in the introductory pages of Volume X.

1971

I.C.J. Pleadings, Appeal Relating to the Jurisdiction of the ICAO Council.
India v. Pakistan

1972

I.C.J. Pleadings, Fisheries Jurisdiction, Vols. I-II.
United Kingdom v. Iceland;
Fed. Rep. Germany v. Iceland
I.C.J. Pleadings, Application for Review of Judgement No. 158 of the
United Nations Administrative Tribunal.
Committee on Applications
for Review of UNAT Judgements

1973

I.C.J. Pleadings, Nuclear Tests, Vols. I-II.
Australia v. France;
New Zealand v. France
**I.C.J. Pleadings, Trial of Pakistani Prisoners of War.*
Pakistan v. India

1975

I.C.J. Pleadings, Western Sahara, Vols. I-V.
UN General Assembly

1976

I.C.J. Pleadings, Aegean Sea Continental Shelf.
Greece v. Turkey

1978

I.C.J. Pleadings, Continental Shelf (Tunisia Libyan Arab Jamahiriya),
Vols. I-VI (with maps).
Tunisia Libyan Arab Jamahiriya

1979

I.C.J. Pleadings, United States Diplomatic and Consular Staff in Tehran.
USA v. Iran

1980

I.C.J. Pleadings, Interpretation of the Agreement of 25 March 1951
between the WHO and Egypt.
World Health Assembly

1981

I.C.J. Pleadings, Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal.

Committee on Applications
for Review of UNAT Judgements

I.C.J. Pleadings, Delimitation of the Maritime Boundary in the Gulf of Maine Area, Vols. I-VIII (with maps).

Canada USA

1982

I.C.J. Pleadings, Continental Shelf (Libyan Arab Jamahiriya/Malta), Vols. I-V (with maps).

Libyan Arab Jamahiriya Malta

1983

I.C.J. Pleadings, Frontier Dispute (not yet published).

Burkina Faso/Republic of Mali

1984

I.C.J. Pleadings, Military and Paramilitary Activities in and against Nicaragua (not yet published).

Nicaragua v. USA

I.C.J. Pleadings, Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya).

Tunisia v. Libyan Arab Jamahiriya

I.C.J. Pleadings, Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal.

Committee on Applications
for Review of UNAT Judgements

1986

**I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Costa Rica).*

Nicaragua v. Costa Rica

**I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras) (not yet published).*

Nicaragua v. Honduras

I.C.J. Pleadings, Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (not yet published).

El Salvador Honduras

1987

- I.C.J. Pleadings, Elettronica Sicula S.p.A. (ELSI)*, Vols. I-III
USA v. Italy

1988

- I.C.J. Pleadings, Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*
UN General Assembly
- I.C.J. Pleadings, Maritime Delimitation in the Area between Greenland and Jan Mayen* (not yet published).
Denmark v. Norway

1989

- I.C.J. Pleadings, Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*
UN Economic and Social Council
- I.C.J. Pleadings, Arbitral Award of 31 July 1989* (not yet published).
Guinea-Bissau v. Senegal
- **I.C.J. Pleadings, Certain Phosphate Lands in Nauru (Nauru v. Australia)*
(not yet published).
Nauru v. Australia

1990

- I.C.J. Pleadings, Territorial Dispute (Libyan Arab Jamahiriya v. Chad)* (not yet published).
Libyan Arab Jamahiriya v. Chad

1991

- **I.C.J. Pleadings, Passage through the Great Belt (Finland v. Denmark)*
(not yet published).
Finland v. Denmark
-

CHAPTER VIII FINANCES OF THE COURT

I. FINANCIAL REGULATIONS

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 (*j*), of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) Method of covering expenditure

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 67-68, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 46/221 of 20 December 1991, the General Assembly decided that these States should contribute to the expenses of the Court for the years 1992, 1993 and 1994 in the following proportions: Nauru 0.01%; San Marino 0.01%; Switzerland 1.16%.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat - see Chap. VII, p. 226, above), bank interest, etc., are also recorded as United Nations income.

(b) Drafting of the budget

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) Financing of appropriations and accounts

The Registrar is responsible for executing the budget, with the assistance of the Accountant Establishment Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

*2. Salaries and Expenses of Judges**(a) Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985 and resolution 45/250 of 21 December 1990.

The emoluments of Members of the Court are made up of an annual salary which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5). With effect from 1 January 1991, the General Assembly (resolution 45/250) has fixed the emoluments of Members of the Court at US\$145,000. The General Assembly further decided that the emoluments and other conditions of service shall be reviewed every three years with the next review at its forty-eighth session.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees. With effect from 1 January 1991, the daily fee of *ad hoc* judges has been fixed at US\$397, being 1/365th of US\$145,000.

The emoluments of the judges are thus as set out on the following scale:

<i>President:</i>	US\$
Annual salary	145,000
Special allowance	15,000
<i>Vice-President:</i>	
Annual salary	145,000
Allowance equivalent to US\$94 for every day on which he acts as President, up to an annual maximum of	9,400
<i>Other Members:</i>	
Annual salary	145,000
<i>Judges ad hoc:</i>	
Fee of US\$397 for each day on which they exercise their functions.	

(b) Pensions

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December 1983, resolution 40/257 of 18 December 1985 and resolution 45/250 of 21 December 1990.

According to the regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life.

With effect from 1 January 1991 (resolution 45/250), if a Member of the Court has served a full term of nine years, the amount of the annual pension is US\$50,000. If he has served for more than nine years, the amount of the pension is increased up to a maximum of US\$75,000. It is reduced if he has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary.

(c) Conditions of service

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

"The General Assembly,

Recalling its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,

Having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The Hague, shall be reimbursed, up to a ceiling of \$4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;

3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 1994, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US\$9,750.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. *Salaries, Allowances and Expenses of the Registrar and Officials of the Registry*

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 6 + 6.2 as from 1 July 1994. For temporary staff of the professional category, the subsistence allowance is fixed at 394 guilders a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. *Common Services*

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 141, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 1,096,700 guilders as from 1 January 1994 and to 1,157,100 guilders as from 1 January 1995.

II. BUDGET FOR THE BIENNIUM 1994-1995

1. *Ordinary Expenses*

The Budget of the Court for the biennium 1994-1995, which forms Part III, Section 5, of the Budget of the United Nations, was adopted by the General Assembly on 23 December 1993 (resolution 48/231).

BUDGET FOR THE BIENNIUM 1994-1995

259

PROGRAMME UN-N-8-181. MEMBERS OF THE COURT	US\$	US\$
Salaries and allowances	4,398,800	
Pensions	1,750,000	
Travelling expenses	533,800	
Education grants	166,500	
		6,849,100
PROGRAMME UN-N-8-182. THE REGISTRY		
Salaries - established posts	5,274,400	
Salaries - temporary posts	626,900	
Common staff costs	1,709,700	
Salaries and travel costs of temporary assistance	825,700	
Consultants	82,200	
Travelling on official business	53,400	
Overtime	71,000	
Representation allowance	7,200	
Hospitality	9,700	
		8,660,200
PROGRAMME UN-N-8-800. COMMON SERVICES		
Contribution to the Carnegie Foundation	1,241,900	
General operating expenses	377,400	
Contractual printing	504,100	
Contracts - external translation	197,500	
Data processing services	21,000	
Supplies and materials	148,700	
Library	104,400	
Furniture and equipment	84,700	
Miscellaneous expenses	22,500	
Acquisition/replacement office automation equipment	117,900	
		2,820,100
		18,329,400

2. Unforeseen and Extraordinary Expenses

On 23 December 1993 the General Assembly, in accordance with previous practice, adopted resolution 48/229, containing the following provisions:

"The General Assembly

1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1994-1995 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

- (i) The designation of *ad hoc* judges (Statute of the International Court of Justice, Article 31), not exceeding a total of \$300,000;
- (ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of \$50,000;
- (iii) The maintenance in office for completion of the cases of judges (schedule A) who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of \$40,000;
- (iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (schedules B and C) (Statute, Article 32, paragraph 7) not exceeding a total of \$180,000;
- (v) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of \$50,000."

III. ACCOUNTS FOR THE BIENNIUM 1992-1993

1. Budget Accounts

The Court's accounts are presented in the *I.C.J. Yearbook* in relation to the biennial period concerned and not on the basis of the single financial year.

The table on page 261 gives a summary of the budget accounts for the biennium 1992-1993.

2. Audit of Accounts

The accounts were audited by the competent authorities from 22 February to 5 March 1993 and from 7 to 18 March 1994.

BUDGET ACCOUNTS FOR THE BIENNIUM 1992-1993

Appropriation after modifications and transfers

	US\$	Expenditure US\$
PROGRAMME UN-N-8-181. MEMBERS OF THE COURT		
Salaries and allowances	4,565,000	4,549,801
Pensions	1,848,300	1,849,001
Travelling and removal expenses	1,002,400	887,640
Education grants	156,300	150,529
	7,572,000	7,436,971
PROGRAMME UN-N-8-182. THE REGISTRY		
Salaries and overtime	7,890,200	7,890,410
Common staff costs	1,529,000	1,547,728
Travelling expenses	52,800	52,487
Representation allowance	7,200	7,200
Hospitality	8,400	8,370
	9,487,600	9,506,195
PROGRAMME UN-N-8-800. COMMON SERVICES		
Contribution to the Carnegie Foundation	1,135,300	1,132,398
General operating expenses	410,600	388,335
Contractual printing	418,200	470,535
Supplies and materials	157,200	155,656
Library	88,900	94,658
Furniture and equipment	423,000	423,002
Miscellaneous expenses	22,500	22,747
	2,655,700	2,687,331
	19,715,300	19,630,497

ACCOUNTS FOR THE BIENNIUM 1992-1993

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the *Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10 (Switzerland)*, or the *Sales Section, United Nations, New York, NY 10017 (USA)*.

The Publications of the PERMANENT COURT OF INTERNATIONAL JUSTICE (1920-1946) are obtainable from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to which all requests should be addressed.

All enquiries other than with regard to purchase of publications should be addressed to the *Registrar of the International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telephone: 3170 302 23 23).

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